Construction Supplier Register – Consultant pre-qualification

Attachment A



Occupational Health and Safety criteria for Consultants

Introduction

The Consultant’s response to the Construction Supplier Register (CSR) Occupational Health and Safety (OHS) requirements should be prepared by a suitably qualified and authorised person from the Consultant’s organisation.

In submitting its OHS response the Consultant acknowledges that the CSR and the Victorian Government agencies using the CSR may rely on the information provided by the Consultant.

For guidance and sources of assistance the Consultant should refer to:

* Attachment B: Occupational Health and Safety Guidance Note; and
* Attachment C: Assistance to CSR Consultants and Contractors.

Compliance

Parts 1 and 3 are to be completed by all applicants and in addition, Part 2 is to be completed by those applicants who design buildings and structures, or are involved in the review of these documents which are intended to be used as workplaces.

Part 1: Consultant details

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| Name: | (Company name/Partnership/Sole trader) |
| Organisation structure: | [ ]  Company[ ]  Partnership[ ]  Sole trader |
| Postal address: |  |
| Phone: |  | Mobile: |  | Fax: |  |
| Email: |  |

Nominated Occupational Health and Safety contact

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| * Your organisation’s nominated Occupational Health and Safety contact person.
* This should be the person who completes or authorises the Consultant’s responses and who has the expertise and authority to answer questions about the Consultant’s Occupational Health and Safety system, documents and evidence submitted.
 |
| Name: |  |
| Position: |  |
| Date: |  |
| Phone: |  | Mobile: |  | Fax: |  |

Part 2: OHS duties of consultants as designers of buildings and structures: Criteria and guide to acceptable evidence

The duty under Section 28 of the OHS Act is intended to ensure that hazards and risks that may exist in the design of a workplace are eliminated or controlled at the design stage, so far as is reasonably practicable. It requires that those who design a building or structure ensure that it is designed, so far as is reasonably practicable, to be safe and without risk to people using it as a workplace for a purpose for which it was designed.

The duty of a designer in Section 28 of the OHS Act does not specifically extend beyond safe use and does not require the building or structure to be designed to be safe for construction or maintenance.

A designer has a duty under either Section 23 or 24 of the OHS Act to ensure so far as is reasonably practicable that people other than their employees are not exposed to risks to their health or safety from the conduct of the undertaking (business) of the designer. Where the undertaking includes the design of buildings or other structures, this may require the designer to take account in the design risks that are reasonably foreseeable to the Consultant at the time of the design activity, which may include risks during construction or maintenance – e.g. where the nature of the design means that it will be difficult to access high points in the structure using conventional means.

Criterion No. 1 requires compliance from Consultants who perform the duties of designers of buildings and structures with respect to the following sub criterion:

* establish corporate position on OHS in design;
* demonstrate designer’s commitment to addressing health and safety in design at project level;
* address health and safety risks in design applying a systematic approach;
* build, maintain and continuously enhance OHS knowledge and capabilities from a design perspective; and
* management review of overall OHS performance in design project.

**Note**: See the Guidance Note at Attachment B for further information.

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| Criterion 1 |
| 1a. |
| OHS duties criteria | Establish corporate position on OHS in design |
| Guide to acceptable evidence | A copy of the consultant’s corporate position statement on OHS in design which:* has been signed or endorsed by top management; and
* states the consultant’s overall design safety objectives and commitment to the effective performance of designers’ OHS duties.

Evidence of how the consultant disseminates the corporate position on OHS in design to employees and other interested parties. |
| 1b. |
| OHS duties criteria | Demonstrate designer’s commitment to addressing health and safety in design at project level. |
| Guide to acceptable evidence | A copy of standard formats/templates for a project-specific health and safety brief or the consultant’s approved provisions for inclusion in the designer’s return brief.Copies should be approved at the consultant’s highest management level and should cover such aspects as (a to e):* the project’s design safety objectives;
* potential health and safety issues related to the intended use of the building and structure being designed;
* a commitment to adopting a systematic approach process to addressing health and safety during design,
* OHS performance targets which will need to be agreed to by prospective client; and

how the client and designer could work together.  |
| 1c. |
| OHS duties criteria | Address health and safety risks in design applying a systematic approach. |
| Guide to acceptable evidence | Evidence that the consultant has implemented a systematic approach to address health and safety risks in design covering:* hazard identification and analysis;
* process to select design options;
* design review and follow-up actions;
* residual risks and suggested control measures; and

communication of residual risks and other safety information to clients or interested parties. |
| 1d. |
| OHS duties criteria | Build, maintain and continuously enhance OHS knowledge and capabilities from a design perspective. |
| Guide to acceptable evidence | Evidence of relevant training of relevant design personnel, or of the qualifications of OHS advisors relating to OHS issues in design. Evidence that the consultant has ongoing access to information about the current state of knowledge of OHS hazards and risks associated with the design of plant, buildings and structures, and the means for controlling hazards and risks in design.Details of the means by which that information is disseminated throughout the organisation to those involved in design activities.Evidence of the means by which that information is updated should be identified.  |
| 1e. Management review of overall OHS performance in design project. |
| OHS duties criteria | How the consultant ensures the effectiveness of its OHS performance in design including:* effectiveness of processes and systems; and
* lessons learned which could be used in future design projects.

Details of any Project Review meeting (where appropriate) and records of actions/plan to be taken by the designer/consultant to maintain or enhance OHS performance in future design projects.  |
| Guide to acceptable evidence | Records of the schedule and conduct of regular OHS performance review, their outcomes and follow-up actions.Records should include records of design hazards and risks or issues and effective design solutions, good practices and lessons learned for future projects. Provide a copy of the meeting minutes, action plan (where appropriate)  |

Part 3: OHS Duties Of Consultants

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| Criterion 2: OHS policy |
| OHS duties criteria | The Consultant’s organisation-specific OHS policy. |
| Guide to acceptable evidence | Provide a copy of the organisation’s OHS policy which:* has been signed by the most senior person within the organisation to demonstrate commitment at the top of the organisation;
* outlines the Consultant’s commitment to and responsibilities for OHS of the Consultant’s employees and other workers;
* allocates responsibilities;
* requires systems for managing risks from hazards associated with the work of the Consultant; and
* has been drafted or reviewed in the last 2 years.

(Note: ‘workers’ refers to persons working in the business of the Consultant, as an employee, sub-consultants or their employees, labour-hire personnel, trainees, students gaining work experience, volunteers or otherwise). |

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| Criterion 3: Officers’ governance of OHS |
| OHS duties criteria | The identity of the officers of the Consultant, as defined in the OHS Act and the means by which those officers effectively govern the Consultant in relation to OHS.Note: This does not apply to a Consultant who is a sole trader, but does apply to a company, partnership, alliance or association.**For information only*** Company officers can be personally liable.
* Sections 144 and 145 of the OHS ACT provide for an officer of a company, partnership or association (“the organisation”) to be guilty of the same offence as that committed by the organisation, if that offence was attributable to the failure of the officer to exercise reasonable care.
* Also, the involvement of officers is considered a key to the proper and effective management of OHS in an organisation.
* Officers are generally the most senior people, such as the Chief Executive, a director, partner or other senior staff who are in a position to prevent breaches of the Act.
* Company officers should be aware of their organisation’s health and safety obligations and how they are managed.
* Officers should take reasonable care to ensure that safety responsibilities are communicated to all staff, that appropriate safety procedures are in place, and that sufficient resources are allocated to health and safety. Any officers who are proactive and take reasonable care are not likely to be affected.
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| Criterion 3: Officers’ governance of OHS *(continued)* |
| Guide to acceptable evidence | Provide an organisation chart or other information identifying who are officers by being:* directors and/or company secretary (for a company);
* partners (of a partnership);
* office holders (of an association); and
* otherwise involved in making decisions that affect the whole or a substantial part of the business or affect the financial standing of the Consultant.

Provide details of: * information provided to the officers in relation to OHS hazards, risks and compliance;
* the means by which that information is provided (e.g. reporting process, committees, responsibilities for reporting on OHS);
* steps taken by officers to determine requirements for and allocation of resources for OHS;
* steps taken by the officers to verify and respond to OHS information; and
* steps taken by the officers to verify implementation of policies and procedures for OHS compliance.

**Notes:*** Reference should be made to how the officers receive and respond to information.
* An officer may comply with this criteria where they receive and respond to information through direct involvement by them in work activities. Officers who are not involved directly in work activities will need to demonstrate other means by which they receive and respond to relevant information.
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| Criterion 4: OHS advisors |
| OHS duties criteria | Curriculum Vitae of person(s) with relevant OHS qualifications engaged or employed to advise the Consultant on OHS matters. |
| Guide to acceptable evidence | Provide copies of Curriculum Vitae or other details of your internal adviser or external adviser or organisation.Note: Consultants relying on their membership of an industry association that provides OHS advice/ assistance should provide evidence of membership and evidence that the Consultant understands how to access the industry association’s OHS assistance. |

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| Criterion 5: Consultation and issue resolution |
| 5a. Management representation for consultation, issue identification and response |
| OHS duties criteria | * The identity of the firm’s management OHS representative/officer and any other resources assisting the identification of OHS concerns, their consideration and response.
* Details of satisfactory training/qualifications or source of assistance.
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| Guide to acceptable evidence | Provide evidence confirming the nomination of a manager or details of the process for identifying the relevant manager for a particular issue, and:* Copies of training certificate(s) or other relevant qualification information within the last two years (this is the CSR preferred evidence); *or*
* Evidence of acceptable refresher training or access to assistance to maintain currency of knowledge.

Note: In the absence of training/qualifications for the manager provide details of other resources (e.g. industry association) and means for timely communication with them. |
| 5b. Elected Health and Safety Representative (HSR) |
| OHS duties criteria | * The identity of any employee(s) of the consultant, or an employee of another employer where a multi-employer work-group has been agreed under Division 2 of Part 7 of the OHS Act, elected as a Health and Safety Representative under OH&S Act 2004 and details of training undertaken by them.

**or*** Certification by the Consultant that there has been no request for designated work groups and the election of HSRs.
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| Guide to acceptable evidence | * Provide details and date of HSR election; and
* Copies of training certificate(s) or other relevant information.

*Note*: an explanation for an absence of HSR training or details of planned training may be acceptable.* Provide details of any process by which the Consultant manages the establishment of workgroups on specific projects or for specific workplaces, including any negotiations for multi-employer or multi-workplace workgroups.

**or*** Provide a signed statement to confirm that there has been no request for designated work groups and the election of HSRs.
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| 5c. Consultation and issue resolution procedures |
| OHS duties criteria | How consultation and issue resolution are undertaken with employees and HSRs (if any) as required by the OH&S Act 2004 and regulations. |
| Guide to acceptable evidence | * Provide copies of consultation and issue resolution procedures that have been agreed with employees directly or through the HSR or other representative.

**or*** Provide evidence that the Consultant is familiar with the requirements of the OHS ACT and regulations, including the default process provided in the regulations, whether or not the Consultant has needed to use them; and
* Provide evidence of how consultation is undertaken (e.g. minutes of toolbox meetings or other meetings with employees and/or HSRs).
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| 5d. Health and Safety Committee |
| OHS duties criteria | * Details of any Health and Safety Committee (where appropriate) and the charter or constitution or rules that show how the Committee operates (meeting the requirements of Part 7 of the OH&S Act 2004).

**or*** Certification by the Consultant that there has been no request for the establishment of a Health and Safety Committee.
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| Guide to acceptable evidence | * Provide a copy of the committee charter or constitution or similar rules.

**or*** Provide a signed statement to confirm that there has been no request for the establishment of a Health and Safety Committee.
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| 5e. Consulting and working with other parties |
| OHS duties criteria | The Consultant has duties in relation to its employees under Section 21 of the OHS Act. These duties may require the Consultant to identify risks to its employees from attendance at workplaces that are managed or controlled by others, or at which the activities of others may expose the employees of the Consultant to OHS risks. The Consultant in carrying out its activities (e.g. design), including attendance at workplaces, also has a duty to persons who are not employees under Section 23 or 24 of the OHS Act.Others involved in work in which the Consultant is involved may also owe duties to the Consultant and its employees.The Consultant must accordingly demonstrate:* how it consults with other parties to ensure each has necessary OHS information; and
* how it determines what is needed to work together with other parties for effective OHS risk management.

Other relevant parties may include the client, sub-contractors, other suppliers of labour, those with management or control of the workplace and suppliers of plant or substances. |
| Guide to acceptable evidence | Provide details of policies and procedures for identifying relevant parties, engaging in consultation about OHS directly affecting the Consultant and its employees, and determining how to work together for OHS risk management.Documents showing examples of consultation and the outcomes may be sufficient to demonstrate this criterion is being met. |

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| **Criterion 6: Currency of awareness of OHS** |
| OHS duties criteria | Method(s) used to keep updated on changes to OHS legislation, regulations and guidelines and other information to maintain ongoing awareness of OHS requirements, including how the consultant builds, maintains and continuously enhances OHS knowledge and capabilities as they relate to designers. |
| Guide to acceptable evidence | Provide:* details of relevant memberships/subscriptions or processes for seeking information from other bodies (e.g. through Victorian WorkCover Authority; Royal Australian Institute of Architects; Australian Consulting Engineers Association; other safety alerts/bulletins) and examples of information received; and
* evidence of professional development programs, activities or any other approach adopted by the consultant to ensure that the consultant’s OHS knowledge and capabilities relating to design are built, maintained and continuously enhanced.
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| **Criterion 7: Induction and Training** |
| OHS duties criteria | Confirmation that OHS induction and necessary training of Consultant employees and sub-Consultants are ensured. Induction of people other than employees of the Consultant to workplaces under the management or control of the Consultant should also be provided for.The purpose of the induction is to ensure that the employees and others have an awareness of the workplace specific hazards and risks and measures in place to manage the risks (including emergency and evacuation measures). The purpose of training is to enable the Consultant’s employees and sub-Consultants to perform their work in a way that is safe and without risks to their health.  |
| Guide to acceptable evidence | Provide copies of records verifying the nature and content of induction of employees and others and demonstrating that the Consultant has in place systems for ensuring induction and training occurs. |

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| Criterion 8: Hazard identification and risk control |
| 8a: Hazards and risk control |
| OHS duties criteria | The means by which hazards and risks associated with the activities of the Consultant are identified, assessed and controlled. |
| Guide to acceptable evidence | Provide evidence of OHS management systems, manuals or policies/procedures (e.g. for Job Safety Analysis or risk assessment) and a completed risk assessment.Certification of systems (e.g. Safety Map, Federal Safety Commissioner or AS4801 will assist) |
| 8b: Process of compliance with legal requirements |
| OHS duties criteria | The process for compliance with legal requirements for the provision of risk assessment and control of information to other parties.**Note:**Coordination Plans are required to be developed and maintained by consultants where they are appointed to the role of Principal Contractor. (Regulations 5.1.16, 5.1.17 and 5.1.18 of the Occupational Health and Safety Regulations 2007 – Part 5.1 – Construction) |
| Guide to acceptable evidence | Show means which ensure that legal requirements are being achieved.Provide evidence or examples of the means for compliance with specific requirements, such as by completed Job Safety Analysis, safe work method statements and the means of coordinating safety activities on site. These are examples only and the specific compliance requirements will depend on the activities carried out by the consultant.*Note*: See also the requirements under *Criterion 5e*, to provide for consultation and coordination with other parties.. |

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| Criterion 9: Emergency response |
| 9a. Procedures and first aid |
| OHS duties criteria | Effective emergency response procedures including review and testing requirements, the availability of suitable first aid facilities, and employee first aid training. |
| Guide to acceptable evidence | Provide:* a copy of emergency response procedure including their review and testing requirements;
* evidence of means by which the Consultant assesses first aid needs and ensures adequate first aid facilities; and
* copies of first aid training records.
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| 9b. Information and testing |
| OHS duties criteria | The effective dissemination of emergency response information and of testing of emergency response procedures in the past 12 months. |
| Guide to acceptable evidence | Provide:* evidence of the dissemination of emergency response information to employees by notices, training or other method; and
* evidence of emergency procedure testing (e.g. report on emergency evacuation exercise).
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| Criterion 10: Incident notification, investigation and response |
| 10a. Internal incident notification |
| OHS duties criteria | System for the notification of all incidents internally and (where relevant) to the employer with management and control of the workplace.  |
| Guide to acceptable evidence | Provide copies of processes, procedures, form(s) and instructions to staff that cover internal and external incident notification.Where available provide completed examples. |
| 10b. Notification of incidents to Victorian WorkCover Authority |
| OHS duties criteria | System for the notification of incidents to Victorian WorkCover Authority as required by Part 5 of the OH&S Act 2004 (immediate oral notification of death, serious injury or an incident involving immediate risk to people from specified events). |
| Guide to acceptable evidence | Evidence of compliance with this criterion could include:* documented systems to ensure compliance with the Consultant’s obligations under the OHS ACT relating to incident notification;
* a procedure or instruction nominating the person with responsibility for fulfilling the incident notification obligations for the Consultant and how and when information should be provided to that person;
* evidence of the Consultant’s familiarity with the requirements and the notification form; and
* evidence of satisfactory notification (if notifiable incidents have occurred).
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| 10c. Investigation and action taken |
| OHS duties criteria | System for investigating incidents to determine causes, identify and implement appropriate action to prevent a recurrence. |
| Guide to acceptable evidence | Evidence of compliance could include:* documented systems for incident investigation and reporting; and/or
* examples of investigations and action taken in response.
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Criteria Nos. 11 and 12 relate to the Consultant’s OHS Performance as indicated by:

* the level of OHS related enforcement activity;
* the Consultant’s response to such activity; and
* the Consultant’s insurance premium rate, compared with the industry.

The way a Consultant responds to enforcement activity and notices, including the Consultant’s implementation of remedial action, can be an indicator of effective and continually improving OHS systems and processes.

Workers’ compensation premium rates are related to industry average performance. A premium rate of more than 150 per cent of the industry rate may reflect an unacceptably high level of claims.

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| Criterion 11: Enforcement activityThis performance criterion seeks evidence of the consultant’s response to enforcement activity involving the consultant as a duty holder – for example, as* an employer
* a person conducting a business or undertaking
* a designer, manufacturer, supplier installer’.
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| OHS performance criteria | Where there has been no enforcement activity refer to *Guide to acceptable evidence* below. | Where there has been enforcement activity within the past 24 months or issues raised by any Victorian WorkCover Authority, EPA, EnergySafe or other relevant inspectorate and/or HSR including:* prohibition notices;
* improvement notices;
* written directions;
* provisional improvement notices issued by a HSR;
* activities relating to an incident notified to Victorian WorkCover Authority under Part 5 of the OH&S Act 2004; and
* any prosecution commenced by Victorian WorkCover Authority or completed, within the period.
 |
| Guide to acceptable evidence | Where there has been no relevant inspectorate or regulatory activity, notices, or prosecutions of the kind outlined in Criterion 11 the Consultant should provide a signed statement to that effect. | Provide copies of relevant documents relating to the enforcement activity or issues raised including:* Victorian WorkCover Authority or Victorian WorkCover Authority Entry Reports and notices;
* notices from other relevant bodies;
* HSR provisional improvement notices;
* summonses and particulars of charges or other documents detailing alleged offences;
* documents relating to outcome of prosecution; and
* provide documents showing the action taken by the Consultant to correct deficiencies identified in the notices or proceedings.
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| Criterion 12: Workers Compensation insurance |
| OHS performance criteria | Comparison of the Consultant’s insurance premium rate with that of the industry as a reflection of the Consultant’s claims history.The Consultant’s current insurance premium rate not exceeding 150 per cent of industry rate for the past 3 years.**Not required for self‑employed person not having employees or deemed employees.** |
| Guide to acceptable evidence | Provide documentary evidence from Insurer/VWA of currency of insurance, premium rate and industry classification (e.g. premium notice).Where the premium rate exceeds 150 per cent of the industry rate the Consultant will need to provide a satisfactory explanation for the high premium rate. |



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