Construction Supplier Register – Contractor pre-qualification

Attachment A



Occupational health and safety criteria for contractors

Introduction

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

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

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

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

Part 1: Contractor 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 Contractor’s responses and who has the expertise and authority to answer questions about the Contractor’s Occupational Health and Safety system, documents and evidence submitted. | | | | | |
| Name: |  | | | | |
| Position: |  | | | | |
| Date: |  | | | | |
| Phone: |  | Mobile: |  | Fax: |  |

Part 2: OHS criteria and guide to acceptable evidence

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| Criterion 1: OHS Policy | |
| OHS criteria | The Contractor’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 Contractor’s commitment to OHS; * allocates responsibilities; * requires systems for managing risks from hazards associated with the work of the Contractor; and * has been drafted or reviewed in the last two years. |

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| Criterion 2: Officers’ governance of OHS | |
| OHS criteria | The identity of the officers of the Contractor, as defined in the OHS Act and the means by which those officers effectively govern the Contractor in relation to OHS.  *Note*: This does not apply to a Contractor 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 OHSA 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. |
| Criterion 2: 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); * otherwise involved in making decisions that affect the whole or a substantial part of the business or affect the financial standing of the Contractor.   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 3: OHS Advisors | |
| OHS criteria | Curriculum Vitae of person(s) with relevant OHS qualifications engaged or employed to advise the Contractor 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*: Contractors relying on their membership of an industry association that provides OHS advice/assistance should provide evidence of membership and evidence that the Contractor understands how to access the industry association’s OHS assistance. |

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| Criterion 4: Consultation and issue resolution | |
| 4a. Management representation for consultation, issue identification and response | |
| OHS 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. |
| 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 2 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. |
| 4b. Elected Health and Safety Representative (HSR) | |
| OHS 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 Contractor that there has been no request for designated work groups and the election of HSRs. |
| 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 Contractor 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. |
| 4c. Consultation and issue resolution procedures | |
| OHS 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 and/or workers, directly or through the HSR or other representative. This may include arrangements for consultation through a person who workers agree will represent them, and management accepts them doing so, were HSR’s have not been elected; or * Provide evidence that the Contractor is familiar with the requirements of the OHSA and regulations, including the default process provided in the regulations, whether or not the Contractor 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). |
| 4d. Health and Safety Committee | |
| OHS 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 Contractor that there has been no request for the establishment of a Health and Safety Committee. |
| 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. |
| 4e. Consulting and working with other parties | |
| OHS criteria | The Contractor has duties in relation to its employees under Section 21 of the OHS Act. These duties may require the Contractor 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 Contractor to OHS risks. The Contractor in carrying out its activities 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 Contractor is involved may also owe duties to the Contractor and its employees.  The Contractor 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 Contractor 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 5: Currency of awareness of OHS | |
| OHS 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. |
| Guide to acceptable evidence | Provide:   * details of relevant memberships/subscriptions or processes for seeking information from other bodies (e.g. through Victorian WorkCover Authority; Master Builders Association of Victoria; Housing Industry Association of Victoria; other safety alerts/bulletins); and * examples of information received. |

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| Criterion 6: Induction and training | |
| 6a. Processes | |
| OHS criteria | Details of processes by which the Contractor ensures that no person enters or works upon a construction site without induction or otherwise in compliance with requirements of regulations. |
| Guide to acceptable evidence | Provide copies of procedures for enforcing induction and supervision requirements and evidence of their implementation and enforcement. |
| 6b. Records | |
| OHS criteria | Confirmation that OHS induction and necessary training of Contractor’s employees and sub-Contractors are ensured. Induction of people other than employees of the Contractor to workplaces under the management or control of the Contractor 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 Contractor’s employees and sub-Contractors 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 Contractor has in place systems for ensuring induction and training occurs. |

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| Criterion 7: Hazard identification and risk control | |
| 7a. Hazards and risk control | |
| OHS criteria | The means by which hazards and risks associated with the activities of the Contractor 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) |
| 7b. Compliance with legal requirements | |
| OHS criteria | The means for compliance with specific legal requirements.  *Note*: Coordination Plans are required to be developed and maintained by Contractors 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 | 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 contractor.  *Note*: See also the requirements under Criterion 4e, to provide for consultation and coordination with other parties. |

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| Criterion 8: Contractor and sub-contractor safety management | |
| OHS criteria | Procedures for managing the obligations of the Contractor under the OHS Act 2004 for the safety of independent Contractors (sub-Contractors) engaged by the Contractor and of the employees of sub-Contractors and others. |
| Guide to acceptable evidence | Provide documentary evidence of safety systems, sub-Contractor management systems, contract clauses or other documents supporting the systems and evidence of their effective implementation and enforcement (e.g. completed checklists and inspection records).  *Note*: See also the requirements under Criterion 4e, to meet the specific duty to consult, cooperate and co-provide for consultation and coordination with other parties, which applies to contractor and sub-contractor management. |

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| Criterion 9: Emergency response | |
| 9a. Procedures and first aid | |
| OHS 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 Contractor assesses first aid needs and ensures adequate first aid facilities; and * copies of first aid training records. |
| 9b. Information and testing | |
| OHS 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 (eg report on emergency evacuation exercise). |

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| Criterion 10: Incident notification, investigation and response | |
| 10a. Internal incident notification | |
| OHS 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 criteria | System for the notification of incidents to Victorian WorkCover Authority as required by Part 5 of the OHS 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 Contractor’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 Contractor and how and when information should be provided to that person; * evidence of the Contractor’s familiarity with the requirements and the notification form; and * evidence of satisfactory notification (if notifiable incidents have occurred). |
| 10c. Investigation and action taken | |
| OHS 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. |

Criteria Nos. 11 and 12 relate to the Contractor’s OHS Performance as indicated by:

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

The way a Contractor responds to enforcement activity and notices, including the Contractor’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 activity  This performance criterion seeks evidence of the consultant’s response to enforcement activity. | | |
| 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 *Occupational Health and Safety 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 Contractor 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 Contractor to correct deficiencies identified in the notices or proceedings. |

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| Criterion 12: Workers Compensation insurance | |
| OHS performance criteria | Comparison of the Contractor’s insurance premium rate with that of the industry as a reflection of the Contractor’s claims history.  The Contractor’s current insurance premium rate not exceeding 150 per cent of industry rate for the past three 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 Contractor will need to provide a satisfactory explanation for the high premium rate. |



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