

A GUIDE FOR
CLEANING
EMPLOYERS AND CONTRACTORS

HEALTH AND SAFETY FOR CLEANING CONTRACTORS IN NSW



GUIDE 2 2003

Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various Workers Compensation and Occupational Health and Safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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Industry Support

The guidelines have been developed by a cleaning industry working party, which was coordinated by WorkCover NSW. Members of the industry working party are thanked for their participation and support.

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Building Service Contractors Association of Australia

Broadlex Cleaning Australia

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NSW Department of Education and Training

NSW Department of Public Works and Services

Property Council of Australia

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Preamble

If you are an employer in the cleaning industry, workers compensation premiums have risen from 2.67 to 10.52 percent (of your payroll) over the last 7 years. If your cleaners are injured at work they are more likely to have higher cost claims and a higher chance of permanent disability than other workers in NSW.

This guide will help cleaning employers and contractors who want to:

- Eliminate or reduce the risk of injury or illness to cleaners
- Learn about legal obligations and receive practical advice and tools to help you meet occupational health and safety and workers compensation obligations
- Demonstrate your commitment to occupational health and safety, including when tendering for contract cleaning
- Receive a discount on your Workers Compensation Premium through the Premium Discount Scheme.

These days, most cleaning work is performed by contractors. These guides focus on how occupational health and safety fits into a contracts/tendering process.

Companion Guide

This guide is complemented by Guide 1, *Health and Safety for Cleaning Contractors in NSW – A Guide for Property Owners and Managers*.

Help and Information

Appendix 1 details further references and resources for assistance and information.

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INTRODUCTION

Whether you are a cleaning employer or contractor, this guide is intended to assist you to meet your obligations under:

- Occupational Health and Safety legislation
- Workers Compensation and Injury Management legislation.

The table below summarises the responsibilities of key stakeholders.

	What they are responsible for	Note
Property owner	<ul style="list-style-type: none"> • Providing and maintaining premises, entries and exits, plant and substances that are safe and without risks to health • Risk management • Ensuring that contractors are not exposed to risks to their health and safety arising from the conduct of the employer's undertaking while they are at the employer's place of work. 	A person who has only limited control of the premises, plant or substances is responsible for those matters over which the person has control.
Property/ facilities manager	<ul style="list-style-type: none"> • Providing and maintaining premises, entries and exits, plant and substances that are safe and without risks to health • Risk management • Ensuring that contractors are not exposed to risks to their health and safety arising from the conduct of the employer's undertaking while they are at the employer's place of work. 	
Cleaning employer	<ul style="list-style-type: none"> • Ensuring the health, safety and welfare at work of all their employees • Risk management • Ensuring that contractors are not exposed to risks to their health and safety arising from the conduct of the employer's undertaking while they are at the employer's place of work. 	For further information see the companion guide, Guide 1, <i>Health and Safety for Cleaning Contractors in NSW – A Guide for Property Owners and Managers</i> .
Contractors that are engaged by the cleaning employer	(eg carpet cleaners, window cleaners) <ul style="list-style-type: none"> • Ensuring the health, safety and welfare at work of all their employees • Risk management. 	

LEGAL RESPONSIBILITIES/ DUTY OF CARE

NSW OCCUPATIONAL HEALTH AND SAFETY LEGISLATION AND CODES OF PRACTICE

The NSW *Occupational Health and Safety Act 2000* (OHS Act) places an absolute duty on employers, controllers of workplaces and contractors to provide a safe and healthy workplace. Obligations towards 'others at workplaces' includes contractors. See OHS Act, Sections 8 and 9.

The NSW *Occupational Health and Safety Regulation 2001* (OHS Regulation) is a Regulation made under the OHS Act. This Regulation contains more detailed mandatory provisions for workplace health and safety matters such as risk management, consultation and first aid.

The OHS Regulation also calls up eight Codes of Practice, some of which are particularly relevant to this guide. For further information see Appendix 2.

There are penalties for breaches of the OHS Act. The maximum penalty for a first offence for a corporation is \$550,000 or \$55,000 for an individual. (At time of publication when one penalty unit was equal to \$110.00).

Duties towards employees

Under the OHS Act, employers have a general duty of care for their employees and must ensure the health, safety and welfare of their employees while at work.

Section 8(1) states that employers must:

- Ensure that any premises, including access and egress, controlled by the employer where employees work, are safe and without risks to health
- Ensure that any machinery, equipment or substances (for example cleaning products) provided for use by the employees at work are safe and without risk to health when properly used
- Provide and maintain systems of work, and working environments, that are safe and without risks to health
- Provide the information, instruction, training and supervision necessary to ensure the health and safety of employees
- Provide adequate facilities for the welfare of employees.

An employer was fined \$20,000 plus costs when a worker fell while carrying out cleaning duties. The worker slipped on a mezzanine floor and fell through the gap between two sections of railing to the floor beneath.

The OHS Regulation also places duties on employers. See Appendix 2 for a summary of the Regulation.

Chapter 2 of the OHS Regulation places a duty on employers to undertake the risk management process, and can assist employers to understand and undertake this process.

Chapter 3 of the OHS Regulation requires employers to consult with their employees about OHS matters, so that employees can contribute to decisions affecting their health, safety and welfare.

Duties towards contractors and visitors

If you take on contract work and then engage a subcontractor to do the work instead of your own employees, then you are responsible for ensuring that the subcontractor is not exposed to risks to their health or safety while they are at your place of work.

That is, you have an obligation to ensure the health and safety of other workers as well as your own employees.

Section 8(2) of the OHS Act states that:

'An employer must ensure that people (other than the employees of the employer) are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.'

Section 9 of the OHS Act states that:

'A self-employed person must ensure that people (other than the employees of the person) are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the person's place of work.'

The duties in sections 8(2) and 9 also applies to other people, such as visitors to the workplace.

In a case before the NSW Industrial Relations Commission, where three sub-contractors were injured, an employer was found responsible for the safety of sub-contractors at the workplace and fined \$100,000. The judge stated,

'Although there is no specific requirement in section 16(1) [now read section 8(2)] to carry out a risk assessment, there is a strict duty on the employer to ensure that persons NOT in the employers employment are not exposed to risks to health or safety.'

Personal liability of directors and managers

Directors and managers of corporations can be held accountable.

If a corporation contravenes, whether by act or omission any provision of the Act or Regulations, each director and person concerned in the management of the corporation is taken to have contravened the same provision unless the director or person satisfies the court that:

- they were not in a position to influence the conduct of the corporation (in relation to the offence), or
- they used all due diligence to prevent the contravention by the corporation. (OHS Act s 26)

The maximum penalty against an individual is \$82,500 penalty units and/or imprisonment for 2 years.

(At time of publication when one penalty unit was equal to \$110.00).

Employee responsibilities

Employees also have responsibilities under the OHS Act.

Under sections 20 and 21 of the OHS Act, employees must:

- take reasonable care for the health and safety of others at work
- cooperate with the employer on health, safety and welfare matters
- not interfere or misuse items provided for health, safety and welfare.

Under the OHS Act, an employer must not charge an employee for things done or provided that are necessary for the employer to comply with occupational health and safety obligations.

Also, an employer cannot dismiss or alter an employees position to their detriment because that employee makes a health and safety complaint about their workplace or is a OHS committee member or OHS representative.

Senior Management have greater degree of responsibility.

In a case heard before the Industrial Commission of NSW an organisation had been exposing its workers to low level hazardous substances leakages over many years. In this instance there was a significant leakage, and one worker was overcome with fumes and taken to hospital. The judge stated,

'The responsibility for compliance with obligations imposed by safety legislation reposes on each and every employee within a corporation as well as on executive officers.

... the greater the degree of responsibility within the corporate hierarchy and the greater the ability to rectify the problem, the greater the degree of culpability which results.

Once senior management became aware of the problem ...the degree of culpability for the defendant increases accordingly.'

Powers of inspectors

WorkCover Inspectors are responsible for ensuring that all persons and organisations meet their OHS and workers compensation obligations. Inspectors also provide advice and assistance. Part 5 of the OHS Act contains details for the appointment, entry and inspection powers of inspectors. Under the OHS Act, inspectors have a range of powers including the power to:

- enter and investigate any premises they have reason to believe is a place of work
- conduct interviews and make inquiries
- take photographs, recordings and measurements or samples
- gather information, examine and copy documents
- issue directions
- issue notices that:
 - require employers to remedy unsafe working conditions or hazards
 - prohibit work from continuing until a hazard is fixed
 - require employers to provide proof of correct workers compensation insurance
 - issue on-the-spot fines for breaches of the legislation.

NSW WORKERS COMPENSATION ACT 1987 AND WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998

The *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* detail an employer's workers compensation and injury management responsibilities.

Workers Compensation Policy

If you have employees, you must have a current workers compensation insurance policy covering all your employees which is available through licensed insurance companies.

If you engage contractors, they must take out their own workers Compensation insurance policy (unless they are sole traders). However, sometimes contractors are classified as 'deemed workers' under the *Workers Compensation Act 1997* and you need to include these workers on your own workers compensation insurance policy. For further information on deemed workers please see Appendix 3.

Workers compensation provides injured workers who have suffered a work-related injury or illness, with weekly payments to cover their loss of earning capacity, payment for medical expenses, and other reasonable expenses to assist them to return to work.

A Sydney based company operating without a workers compensation policy over 12 months was fined \$5,000 plus legal costs and ordered to pay \$227,687 – double the avoided premium.

Injury Management

Injury management is a term that includes all the activities associated with ensuring the early return of an injured worker to the workplace. These activities include early notification, treatment, claims management, rehabilitation and retraining.

When an employee suffers a work-related injury or illness, you are responsible for managing their return to the workplace.

All employers must establish a Return-to-Work Program that details the procedures that are to be followed if a worker is injured or becomes ill.

THE CONTRACT PROCESS

The cleaning employer/contractor should be able to demonstrate the effectiveness of their OHS and Injury Management Systems, particularly during tendering and on-going contract management.

- Contract planning** here the property manager should specify what OHS and Workers Compensation conditions need to be met by the successful tenderer
- Tender evaluation** here you should demonstrate how you meet the OHS and Workers Compensation criteria set out in the tender specification
- On-going Contract Management** during the contract, the property manager will require ongoing verification that you are meeting the OHS and Workers Compensation criteria.

The diagram following identifies information provided in these guidelines in relation to each of these stages. The stages are then discussed in further detail.

Stages in Contract process	Tools to assist cleaning employers and contractors
Contract planning	Tool 1: Elements of an OHS Management System Tool 2: Elements of Workers Compensation and Injury Management systems Tool 3: Tenderer OHS System questionnaire
Tender evaluation	Tool 1: Elements of an OHS Management System Tool 2: Elements of Workers Compensation and Injury Management systems Tool 3: Tenderer OHS System questionnaire
On-going contract management	Tool 4: Risk Management Tool 5: Work Method Statements Tool 6: Contractor OHS Monthly Report Tool 7: General OHS Checklist

CONTRACT PLANNING

The property owner or manager should use the cleaning contract to demonstrate their commitment to specific health and safety requirements.

When planning a contract a property owner or manager should consider the following components as a minimum.

As a cleaning contractor, if you can demonstrate that you possess these systems, then you will have increased your potential to win the contract.

- Compliance with Health and Safety legislative requirements
- OHS management systems
- Compliance with workers compensation and injury management requirements
- Risk Management systems
- OHS Incident notification
- OHS Performance reporting
- Property Specific Safety Management Plan (applicable to a major contract defined as a contract having an annual value of over \$50,000).

TENDER EVALUATION

Overview

At tender evaluation stage, the property owner or manager should establish whether each contractor tendering has adequate OHS and injury management systems and that they have considered health and safety issues in relation to the type of work performed in the contract. This section provides information on:

- How will my OHS systems be assessed?
- Tenderer’s OHS Management System Questionnaire.

How will my OHS systems be assessed?

Three techniques are suggested below that property owners and managers may use to assess tenders. For more information refer to Guide 1, *A Guide for Property Owners and Managers*. These techniques are mentioned here to assist the cleaning contractor prepare for the evaluation of their tender.

GUIDE 1 – TOOL 1 – Summary		
Element 1	Tenderer OHS Management System Questionnaire	<p>Technique 1 REVIEW of the completed questionnaire</p> <p>Technique 2 EXAMINATION OF TENDERER DOCUMENTATION</p> <p>Technique 3 INTERVIEWS Undertaking interviews to clarify any particular issues or areas where more information is needed.</p>
Element 2	Comply with OHS legislation	
Element 3	Demonstrate evidence of OHS management systems	
Element 4	Hazard identification and risk assessment	
Element 5	OHS Incident notification	
Element 6	OHS Performance reporting	
Element 7	Property Specific Safety Management Plan (major contracts only)	
Element 8	Workers compensation and injury management requirements.	

Tenderer’s OHS Management System Questionnaire

The Tenderer’s OHS Management System Questionnaire – **Tool 3** assists the property owner and manager to gain an overview of the status of the tenderer’s OHS management systems. The questionnaire should then be attached with your tender submission.

ON-GOING CONTRACT MANAGEMENT

Overview

Once the contract is awarded, property owners or managers should undertake adequate monitoring and supervision of contractors to ensure that contractors are meeting their OHS obligations.

The level of monitoring and supervision will depend on the size, complexity and inherent risk involved in the contract. Five means of monitoring a contractor that are commonly used by property managers are explored under the following headings:

- Risk management when you are tendering for a contract
- Risk management prior to commencing work
- Communication with the property manager
- Workplace inspections
- Problem solving
- Record keeping

Risk management when you are tendering for a contract

The cleaning employer's Risk Management Systems were reviewed during tender evaluation (see **Tool 1**, Element 4, Risk management and process control) which enables you to prove to the property owner and manager that you have systems in place for risk management. At this time, your Risk Management Systems were general. You may have included some examples of risk assessments or work method statements that you have used in the past.

Risk management prior to commencing work

If you have been successful in being awarded the contract, then there are certain risk management steps you must now take.

This guide suggests that you complete a Property Specific Risk Assessment. The Property Specific Risk Assessment should be reviewed and approved by the property manager. **Tool 4** provides further information on risk management processes.

The NSW *OHS Regulation 2001* says that:

An employer must ensure that effective procedures are in place, and implemented, to identify hazards:

- *immediately prior to using premises for the first time as a place of work, and*
- *before changes to work practices and system of work are introduced, and*
- *before hazardous substances are introduced into a place of work. [Clause 9(3)].*

In order for the cleaning employer to identify hazards prior to using premises for the first time as a place of work, the following should be taken into consideration:

- As a controller of a workplace, the property owner and manager **must pass** on property specific **hazard identification information**, especially:
 - information about any foreseeable hazard arising from the premises that has the potential to harm the health or safety of any person entering or exiting the premises
 - information about any risks the property manager has assessed and controlled, but not eliminated. (NSW *OHS Regulation 2001*, Clause 38)
- The property owner or manager must **make the site available to the cleaning contractor** to undertake such a hazard identification prior to commencement of work. This may require some flexibility on the part of the property owner or manager. The law requires **cooperation** between different parties in order to carry out risk assessment duties. (NSW *OHS Regulation 2001*, Clause 8)
- The cleaning contractor should **integrate risk management into their standard business activities**. Appropriately trained supervisors and managers can perform hazard identification and risk assessments. In almost all cases it should be unnecessary to engage OHS consultants to carry out the property specific risk assessments.
- The cleaning employer can develop **general risks assessments** for tasks their cleaners regularly undertake, for example, mopping, vacuuming, dusting, polishing etc. These risk assessments can then be applied to particular premises, after consideration of the property manager's hazard identification and the cleaning employer's site visit.

The cleaning employer must **consult with employees** when risks are being assessed and when decisions are being made about how to eliminate or controls those risks. (NSW *OHS Act 2000*, section 15)

Risks should be appropriately assessed in terms of likelihood and severity of any injury or illness that may occur. If risks cannot be eliminated, then they must be effectively controlled. It is suggested that Work Method Statements should be in place for all medium to high risk tasks. (see **Tool 5**)

Communication with the property manager

Good communication is the single most important factor to ensure efficient OHS management for the contract duration. One good method of documenting this communication is in **Tool 6** Contractor OHS Monthly Report.

As part of contract management, a cleaning contractor may also be involved in:

- Providing health and safety and workers compensation documentation to the property owner/manager for review, eg Accident/incident reports, OHS performance reports, minutes of meetings, certificate of currency for workers compensation.
- Participating in joint site inspections to monitor compliance with health and safety procedures. (see **Tool 7**).
- Review of hazard identification and risk assessments submitted by the cleaning subcontractor (where subcontractors are used).

There may be instances where the cleaning contractor may request information from the property owner or manager, eg advice on unusual or unexpected risks and feedback.

Workplace inspections

Regular workplace inspections play a significant prevention role in identifying health and safety issues before they result in injury or damage at the workplace.

Inspections can be undertaken with an employee representative to allow discussion and if possible, resolution of issues as they are identified. The second type of inspection is random. This inspection should be conducted at a time when the cleaners are on the premises when work practices can be observed with no prior warning given.

It is a good idea for employers to use a general health and safety checklist that is designed to consider a broad range of general health and safety issues in the workplace. For example, see **Tool 7**. Where appropriate, the checklist can be modified based on specific safety aspects associated with the contract.

Cleaners are often referred to as 'invisible workers'. They do not work the hours that most people work. Often it is difficult to undertake OHS inspections when the cleaners are at work. One means of overcoming this problem is to use an external independent OHS inspection service. This service could be built into the contract at the planning stage.

Problem solving

During the contract, OHS problems may arise which are difficult to resolve. Some times the responsibility for resolving some OHS problems may fall across different parties.

NSW legislation requires that where more than one person has responsibility for a health and safety matter, each party retains responsibility for the matter, and that the responsibility must be discharged in a coordinated manner.

In order to resolve OHS problems quickly and efficiently all parties should:

- focus on the particular health and safety matter at hand in an unbiased, objective manner without issuing blame
- rely on risk management principles, that is, assessing likelihood and potential severity of injuries and illness and if not possible to eliminate the hazard then using the hierarchy of hazard control. (see **Tool 4**)

If the parties cannot resolve the matter quickly, a cleaner cannot be left working in a situation where they may become injured or ill. It is very valid to seek assistance. Help can be sought from employer associations, unions, OHS consultants or Workcover NSW. For more information see Appendix 2.

At one shopping centre a cleaner sustained a needlestick injury in her leg when a sharp protruded from a garbage bag she was collecting. The cleaning employer immediately called a meeting with the property manager and owner. Together they completed a risk assessment. The property manager agreed to re-position bin locations to highly visible locations and install video surveillance cameras. The property manager also agreed to discuss the possibility of sharps disposal units being placed in public toilets with local council.

The cleaning employer agreed to always use a specific trolley for rubbish collection and provided training and vaccination programs for the cleaners.

OHS problems and issues should be documented. For example:

- **Tool 6** – Contractor OHS monthly report. This type of reporting method ensures that all parties are kept informed
- **Tool 4** – Risk Management – Hazard identification, risk assessment and controls may need to be reviewed
- **Tool 5** – Work Method Statement – may need to be reviewed
- Incident investigation.

Record keeping by the contractor

The cleaning contractor should retain relevant health and safety records. These records could provide documentary evidence of the due diligence of the contractor in relation to the health and safety of their employees and subcontractors.

Records that should be retained include:

- Risk assessments
- Work Method Statements
- Health and Safety workplace inspection reports
- Minutes of safety and site meetings
- Incident/accident investigation reports
- Contractor OHS monthly report, **Tool 6**.

DEFINITIONS

Deemed Worker	Some workers, such as some contractors, who are not generally considered to be employees, may be deemed workers for the purposes of Workers Compensation insurance. The specific circumstances of each case must be considered when determining whether a contractor is a deemed worker, and the test relates to the level of control the principal has over the contractor. For further information, see Appendix 3 or contact WorkCover on 13 10 50 .
Hazard	means anything (including work practices or procedures) that has the potential to harm the health and safety of a person.
Hazard Identification	the process of recognising that a hazard exists and defining its characteristics.
Injury management	is a term which includes all the activities associated with ensuring the early return of injured workers to the workplace. These activities include treatment, claims management and rehabilitation.
OHS	Occupational Health and Safety.
OHS Management System	(OHSMS) is an overall management system including organisation structure, planning activities, responsibilities, practices, procedures and resources for developing and maintaining and OHS policy and managing OHS risks associated with the business of the organisation.
OHS Policy	is a statement by the organisation of its intention and principals in relation to overall OHS performance.
Premium Discount Scheme	is a WorkCover scheme that provides financial incentives for employers to have safer workplaces and better return-to-work strategies for injured workers.
Rehabilitation	the managed process of maintaining injured or ill employees in or returning them to suitable employment. Rehabilitation is an activity under 'injury management'.
Return to Work Program	An employer must establish a Return-To-Work Program that allows for rehabilitation of injured workers. Usually the employers Workers Compensation insurer will assist the employer.
Risk management	is a system of hazard identification, risk assessment and control of risks. Risk Management is a requirement of the NSW <i>Occupational Health and Safety Regulation 2001</i> . For further information see Australian Standard 4360.
Work Method Statement	outlines a safe method of work for a specific job. They help effectively coordinate the work, the materials needed, the time required and the people involved to achieve a safe and efficient outcome.
Workers Compensation	provides for weekly payments to cover the loss of earning capacity and medical expenses if a worker sustains an injury or illness as a result of their work. Workers Compensation insurance is a compulsory insurance for all NSW employers.

TOOL 1

ELEMENTS OF AN OHS MANAGEMENT SYSTEM

Overview

This tool is divided into 7 elements of an OHS Management System. These elements are most commonly found in the majority of OHS Management Systems.

1. Management responsibility
2. Sub-contracting and purchasing
3. Consultation and communication
4. Risk management and process control
5. Training, learning and skills development
6. Records and records management
7. Corrective actions.

This tool is very useful in assisting the cleaning employer and contractor to assess which elements that they have already and which may need improvement. In the middle column the tool provides practical examples of how each element can be achieved. The final column provides examples of how you can demonstrate that your organisation does have this OHS Management System element when submitting a tender.

Element	How do I do this?	How do I prove I have done this?
<p>1. Management responsibility</p> <p><i>This element is about defining contractor's policies and procedures for OHS and injury management and their commitment to identifying responsibilities for OHS and providing the resources needed for verification. (Source: Contractor Health and Safety Information Pack, Roads and Traffic Authority (NSW))</i></p>	<ul style="list-style-type: none"> • Develop and circulate OHS policy and goals • OHS Policy should spell out senior management commitment to health and safety, including appropriate resourcing and regular review of performance • Assign to a senior manager responsibility for establishing and maintaining the health and safety system • Identify and assign health and safety responsibilities to all staff positions which can have an impact on health and safety performance. 	<ul style="list-style-type: none"> • OHS policy is readily available. • Senior management representative assigned to implement and maintain the health and safety system. • Job descriptions and selection criteria for all relevant positions show that health and safety responsibilities have been identified and assigned.

TOOL 1

Element	How do I do this?	How do I prove I have done this?
<p>2. Sub-contracting and purchasing</p> <p><i>This element is about ensuring that all materials, equipment, plant and services purchased or hired and all sub-contracts conform to specified OHS standards.</i></p>	<ul style="list-style-type: none"> • Assess all materials, equipment, plant and services to be bought or hired against specified OHS standards • Ensure your OHS standards at least meet levels set by available legal health and safety standards or regulations • Insist subcontractors to be hired show a compatible health and safety system operating in their business and provide compatible Risk Assessments and Work Method Statements • Use health and safety standards to select sub-contractors and suppliers. 	<ul style="list-style-type: none"> • Purchasing policy and procedures spell out OHS requirements • Tender selection documents for sub-contractors include OHS and injury management • Sub-contractor risk assessments and Work Method Statements are available.
<p>3. Consultation and communication</p> <p><i>This element is about demonstrating meaningful consultation and communication that results in positive occupational health and safety and injury management outcomes.</i></p>	<ul style="list-style-type: none"> • Management identifies, collects and disseminates information relevant to the OHS management issues of the workplace • Establish an appropriate communication process to discuss workplace OHS and Injury Management issues • Identify and take into consideration information and training needs of the workforce. 	<ul style="list-style-type: none"> • Records of team meetings, tool box talks and group discussions are kept • Appropriate reporting and feedback mechanisms are in place and well known by cleaning staff, eg daily report log, hazard reporting form • There is employee involvement in development of Risk Assessment and Work Method Statements • There is employee involvement in Return-to-Work Program • Information and training needs reflect literacy/ language and shift-work considerations.

TOOL 1

Element	How do I do this?	How do I prove I have done this?
<p>4. Risk management and process control</p> <p><i>This element is about establishing and maintaining a risk management system in consultation with employees. Particular attention should be paid to:</i></p> <ul style="list-style-type: none"> • <i>areas/activities identified as high risk</i> • <i>plant and equipment</i> • <i>manual handling</i> • <i>noise</i> • <i>hazardous substances/chemicals.</i> <p><i>Risk Management should include risks introduced into the organisation through the purchase of goods and services.</i></p>	<ul style="list-style-type: none"> • Identify, assess and control risks from hazards intrinsic to activities at workplace • Develop Work Method Statements for hazardous tasks (eg working at heights, waste removal, sharps collection and disposal) • Provide training for specific work activities along with induction training for new workers on site • Develop and test emergency procedures for the workplace • Ensure employees are aware of workplace hazard reporting procedures. 	<ul style="list-style-type: none"> • Risk Assessment is available • Work Method Statements are available for those Hazards identified as high or medium risk • Training records are available • Site emergency procedures are available along with testing reports • Relevant memos, training procedures are in place. Bulletin board is updated and maintained.
<p>5. Training, learning and skills development</p> <p><i>This element is about establishing procedures and allocating resources to identify and provide for the training needs of cleaners.</i></p>	<ul style="list-style-type: none"> • Develop a site training program which meets needs identified in Risk Assessments • Ensure all workers on site attend induction training • Keep training records up to date • Ensure a significant proportion of cleaners are appropriately qualified according to National Competency Standards for Contract Cleaning • Circulate OHS information regularly on site by a variety of methods, eg. at toolbox sessions, on notice boards. 	<ul style="list-style-type: none"> • Risk assessment and training needs analysis are available • Training records are available • Training qualifications and experience (Operative Cleaning, Senior Cleaner, Line Supervisor) are documented • OHS documents/minutes are readily available.

TOOL 1

Element	How do I do this?	How do I prove I have done this?
	<ul style="list-style-type: none"> • Ensure training and instruction is reflective of language needs. 	<ul style="list-style-type: none"> • Accurate information is available on employees' language needs • OHS documents and training methods reflect language needs.
<p>6. Records and record management</p> <p><i>This element is about establishing procedures for the identification, filing, retrieval and retention of OHS and injury management records.</i></p>	<ul style="list-style-type: none"> • Keep records in accordance with legislative obligations • Devise and implement a system of records management appropriate to the workplace • Communicate record keeping provisions to employees • Record all operations of the OHS Management Systems. This provides evidence of legal compliance and benchmarks against which to assess performance. 	<ul style="list-style-type: none"> • Accident notification, register of injuries, Material Safety Data Sheets, certification, inspections, maintenance, atmospheric monitoring, immunisations are available • Training and information records available. Relevant forms and documentation are current and maintained • Records of the relevant and specified OHS Activity are available.
<p>7. Corrective Action</p> <p><i>This element is about the process of ensuring that OHS issues are appropriately addressed and similar issues do not recur.</i></p>	<ul style="list-style-type: none"> • Investigate incidents and accidents and record the results • Devise and implement a hazard reporting and investigation system • Eliminate the cause of the incident or accident to prevent a recurrence • Analyse inspection and audit reports to identify areas of improvement. 	<ul style="list-style-type: none"> • Procedures and forms for the investigation of incidents and accidents are available • Copies of Hazard Report Form available • Corrective Action reports are available • Results of inspections and audits are available and system improvements are documented.

TOOL 2

WORKERS COMPENSATION AND ELEMENTS OF AN INJURY MANAGEMENT SYSTEM

Overview

This tool which is closely linked to **Tool 1**, provides a very basic summary an employer's workers compensation and injury management responsibilities that a property manager should review.

Element	How do I do this?	How do I prove I have done this?
<p>1. Workers Compensation Policy</p> <p><i>This element is about ensuring that cleaning contractors and subcontractors have the appropriate workers compensation insurance.</i></p>	<ul style="list-style-type: none"> • Have a current workers compensation Policy under correct tariff rate • Devise and implement a system to verify that sub-contractors used hold a current Certificate of Currency for Workers Compensation in NSW • Display approved workers compensation summary <i>Watching out for You</i> (in a conspicuous place at your workplaces). 	<ul style="list-style-type: none"> • A Certificate of Currency for Workers Compensation in NSW is available • A Certificate of Currency for Workers Compensation in NSW for any sub-contractors used is available • Approved summary of the workers compensation legislation displayed in an area where workers are able to view the poster easily.
<p>2. Injury Management</p> <p><i>This element is about ensuring that cleaning employers and subcontractors are responsible for managing employee injuries and their return to work.</i></p>	<ul style="list-style-type: none"> • Devise and implement formal processes to ensure insurers are notified of injury /illness within 48 hours • Devise and implement a Return-To-Work Program that is consistent with insurer's injury management program • Have a Register of Injuries book at each of your workplaces • Keep correct records of all wages paid to workers for the past 7 years. 	<ul style="list-style-type: none"> • Procedures for injury notification are available • A Return-To-Work Program is displayed and accessible to all employees • Register of Injuries book readily accessible to workers • Wages records are complete and available for all all present and past employees (for past 7 years).

TENDERER OHS SYSTEM QUESTIONNAIRE

Overview

This questionnaire forms part of the tender evaluation process and is to be completed by tenderers and submitted with their tender offer.

This questionnaire will assist a cleaning employer or contractor to understand what OHS and workers compensation criteria that they may be judged against when they are tendering.

A OHS questionnaire assists a property manager to gain an overview of the status of your OHS management system.

(Source: WorkCover Victoria Managing Contractor Health and Safety Risks: Guidelines for Local Government – Tool 2 Document 2.)

TOOL 3

Tenderer OHS Management System Questionnaire

Company Name

Signed _____ Name _____
Position _____ Date _____

Contract Details

Contract Name _____ Contract No _____

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. OHS Policy and Management | | |
| 1.1 Is there a written company health and safety policy?
<i>If yes, provide a copy of the policy.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1.2 Are health and safety responsibilities clearly identified for all levels of staff?
<i>If yes, provide details.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | |
|--|--------------------------|--------------------------|
| 1.3 Is there a company OHS management system manual or plan?
<i>If yes, provide a copy of contents page(s).
Comments.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

2. Subcontracting and purchasing

- | | | |
|---|--------------------------|--------------------------|
| 2.1 Does the company have policies and procedures for purchasing that include OHS?
<i>If yes, provide details.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|

TOOL 3

Yes No

- 2.2 Does your company use health and safety standards to select subcontractors?

If yes, provide details.

3. Consultation and Communication

- 3.1 Is there a workplace health and safety committee?

Comments.

- 3.2 Are employees involved in decision making over OHS matters?

If yes, provide details.

- 3.3 Are there employee elected health and safety representatives?

Comments.

4. Risk Management and process control

- 4.1 Does the company use a risk management approach throughout its operations, ie for sites, activities, manual handling, hazardous substances and purchasing.

If yes, provide details.

TOOL 3

Yes No

- 4.2 Does the company create written procedures and work method statements for tasks and activities?

If yes, provide details.

5. Training

- 5.1 Describe how health and safety training needs are determined in your company?

- 5.2 Describe how health and safety training is conducted in your company.

- 5.3 Is health and safety training provided for specific work activities?

If yes, provide details.

- 5.4 Is a record maintained of all training and induction programs undertaken for employees in your company?

If yes, provide examples of safety training records.

TOOL 3

Yes No

5.5 Is training conducted so as to meet cleaner's different language needs?

Comments.

6. Records and record management

6.1 Does the company have a system of records management?

If yes, provide details.

7. Corrective Action

7.1 Is there a procedure by which employees can report hazards at a workplace?

If yes, provide a copy of the procedures.

7.2 Is there a documented incident investigation procedure?

If yes, provide a copy of a standard incident report form.

7.3 Does the company have a hazard reporting and investigation system?

If yes, provide details.

TOOL 3

	Yes	No
7.4 Is there a system for recording and analysing health and safety performance statistics? If yes, how often are statistics reviewed? <i>If yes, provide details.</i>	<input type="checkbox"/>	<input type="checkbox"/>

7.5 Are results of inspections, hazard and incident reports used to eliminate or control the hazard or risk? <i>If yes, provide details.</i>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------

7.6 Are results of inspections, and hazard and incident reports and health and safety performance statistics used to improve systems? <i>If yes, provide details.</i>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

8. Workers Compensation and Injury Management

8.1 Does the company hold a current Workers Compensation certificate?	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------

8.2 Does the company have a system for checking the Workers Compensation arrangements for subcontractors? <i>If yes, provide details.</i>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

8.3 Does the company have and display an approved summary poster of the Workers Compensation Legislation? (ie <i>Watching Out for You</i> from 31.12.02)	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------

TOOL 3

Yes No

- 8.4 Does the company have procedures for injury notification?
If yes, provide details.

- 8.5 Does the company have a Return-To-Work Program that is consistent with insurers injury management program?

- 8.6 Does the company utilise a Register of Injuries book?
Comments.

9. Company References

- 9.1 Please provide the following information for the three (3) most recent contracts completed by the company:

	Contract 1	Contract 2	Contract 3
Contract description			
Client			
Contact			
Phone no			
Number of lost time injuries			
Number of person days on contract			
Total days lost due to injury			

TOOL 4

RISK MANAGEMENT

Overview

Under the OHS Regulation all employers must use a risk management approach to address workplace health and safety issues.

This tool will assist cleaning employers and contractors by providing an explanation of the risk management process and examples of practical steps that can be taken to assist you to meet legislation requirements such as:

- Identify hazards
- Risk assessment
- Hazard rating matrix
- Eliminating and controlling hazards
- Risk assessment blank and sample forms.

Identify hazards

A cleaning employer must identify any foreseeable health or safety hazards, which could harm the employee or other person in the workplace. In particular the employer must take reasonable care to identify hazards arising from:

- work premises
- work practices (includes shift working arrangements, psychological hazards and fatigue related hazards)
- plant
- hazardous substances
- manual handling including occupational overuse syndrome
- layout and condition of a place of work
- biological organisms
- physical work environment (eg potential for electrocuting, slip trips and falls).

The property manager and owner have obligations as well. They must also identify any foreseeable hazard arising from the premises that has the potential to harm the health or safety of any person accessing, using or leaving from the premises. The property manager and owner must pass this information on to you before you commence work. (*OHS Regulation 2001, Clause 34*)

TOOL 4

A systematic approach should be used to find all potential hazards. How this is done will vary from property to property. Some common ways of developing an observation system for hazard identification are:

Activities: breaking the contract down into activities, for example, vacuuming, mopping, polishing, waste disposal. Activities can then be further broken down into tasks, for example, mopping can consist of mop and bucket collection, transport, mopping, mop clean up and storage.

Locations: the contract can be broken down into various locations. For example, in a hotel, locations might consist of kitchens, accommodation, common areas, restaurants, gardens and back dock area. Activities and tasks are then identified for each of these areas.

In addition to these methods, the following should be taken into consideration:

Consultation with workers experienced in the task should be part of hazard identification.

Records for example, accident and incident reports, inspection reports and previous risk assessments can assist in identifying hazards.

Risk assessment

Risk assessment involves deciding how likely it is that an accident will happen and how severe the impact of the accident could be. Some hazards may cause frequent accidents which only result in minor bumps or scratches, while other hazards may be less likely to cause accident, but the result could be major injuries or a fatality. (Source: WorkCover NSW *HazPak – A Practical Guide to Risk Management*)

Risk assessment should be done in consultation with employees who are involved in the work being assessed.

When assessing risks, the factors that may be contributing to the risk should also be identified. This could include the layout and condition of the work premises, the capability/skill/experience and age of people ordinarily undertaking the work, the systems of work being used.

During Risk Assessment, hazards can be classified as Category 1, 2, 3, 4, 5 and 6, and from this a priority is set for addressing the hazards.

Category 1, 2 or 3 It is suggested that these hazards require a Work Method Statement and should be treated with priority. For further information see **Tool 5**.

Category 4, 5 and 6 It is suggested that these hazards should be eliminated or controlled as far as possible but they will not be recorded on a Work Method Statement.

TOOL 4

Hazard rating matrix

<i>How severely could it hurt someone?</i>	<i>HOW LIKELY IS IT TO HURT SOMEONE?</i>			
	++ Very likely: could happen at any time	+ Likely: could happen some time	- Unlikely: could happen, but very rarely	- Very unlikely: could happen but probably never will
Kill or cause permanent disability or ill health	1	1	2	3
Long term illness or serious injury	1	2	3	4
Medical attention and several days off work	2	3	4	5
First aid needed	3	4	5	6

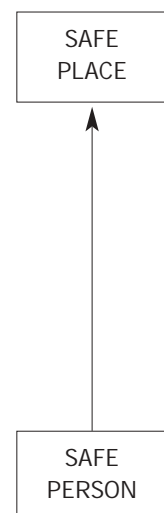
Eliminating and controlling hazards

This step involves working out how to eliminate or control the risks. As an employer you must eliminate any risk to the health and safety of all employees or other persons at the workplace.

Only where it is not reasonably practicable to eliminate the risk, should control measures be taken.

Controlling risks means to minimise the risk to the lowest level reasonably practicable. According to the OHS Regulation, Clause 5, the order below is to be followed.

- Substitution** Use something less hazardous. For example, water based chemicals rather than a solvent based one.
- Isolation** Use barriers to shield or isolate the hazard. For example, guards on machines, enclosures for noisy machinery.
- Engineering Controls** Design and install equipment to counteract the hazard, for example, a mechanical bin lifting device to empty bins into industrial waste bins.
- Administrative Controls** eg Arrange work to reduce the time people are around the hazard. Training, instruction and information.
- Personal Protective Equipment** Have people wear protective equipment and clothing while near the hazard. For example, wearing sharp resistant gloves when working with sharps.



RISK ASSESSMENT BLANK AND SAMPLE FORMS

On the following pages is a Risk Assessment form. This is a blank form that can be used to document the risk identification, assessment and control process. Through means of risk ranking, the form also allows the user to indicate if a Work Method Statement is required.

In addition a sample worked risk assessment has been provided.

TOOL 4

RISK ASSESSMENT FORM

Contractor		
Contract		
Contractor's representative		
Telephone	Email	Fax
Signature	Date	
Contract Manager		
Contract No		
Telephone	Email	Fax
Signature	Date	

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required Yes/No	Control measures

RISK ASSESSMENT FORM – SAMPLE FOR A CLEANING CONTRACTOR

To be submitted prior to contract commencement

Contractor Reliable Cleaning Co. Pty Ltd	Contract Manager
Contract Hotel De Comfort	Great Property Management
Representative Ms. D Pendable	Representative Mr. B. Black
	Contract No ABC 12345
Telephone 123 4567	Telephone 9876 5431
Fax 98 76543	Fax 9876 4321
Email d.pendable@reliable.com.aun	Email
Signature _____ Date _____	Signature _____ Date _____

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required	Control measures
<i>Ground Floor</i>				
Mopping of kitchen and foyers	<p>Strain/Sprain</p> <ul style="list-style-type: none"> - moving cartons, boxes, furniture etc out of the way - frequent bending and twisting - transporting and emptying full (metal) bucket <p>Slips and falls</p> <ul style="list-style-type: none"> - oily work floors - untidy work areas - cluttered aisles or passageways - steep or slippery steps and stairs - poorly lit work areas and walkways <p>Ergonomic hazards</p> <ul style="list-style-type: none"> - poor work posture eg twisting, if mopping equipment not suitable for cleaner - repetitive motions 	3	Yes	See Work Method Statement

TOOL 4

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required	Control measures
	<p>Contact with chemicals</p> <ul style="list-style-type: none"> - incorrect handling procedures - lack of information - not wearing appropriate PPE - incorrect storage - elevated exposures levels. 			
<p>Polishing foyer floors</p>	<p>Strain/sprains</p> <ul style="list-style-type: none"> - moving planter boxes, furniture etc. out of the way - frequent bending and twisting - transporting polisher to foyer <p>Slips and falls</p> <ul style="list-style-type: none"> - oily or slippery work floors - untidy work areas - steep or slippery steps and stairs - poorly lit work areas <p>Ergonomic hazards</p> <ul style="list-style-type: none"> - poor work posture eg twisting - repetitive motions <p>Contact with chemicals</p> <ul style="list-style-type: none"> - incorrect handling procedures - lack of information - not wearing appropriate PPE - incorrect storage - elevated exposures levels <p>Contact with electricity</p> <ul style="list-style-type: none"> - faulty electrical leads or plant - no earth leakage detectors - electric leads on ground may be a tripping hazard. 	3	Yes	See Work Method Statement

TOOL 4

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required	Control measures
<p>Vacuuming of restaurant and offices</p>	<p>Strain/sprain</p> <ul style="list-style-type: none"> - moving planter boxes, furniture etc. out of the way - frequent bending and twisting - transporting vacuum cleaner - degree of difficulty placing cleaner on back (if back-pack) <p>Slips and falls</p> <ul style="list-style-type: none"> - untidy work areas - steep or slippery steps and stairs - poorly lit work areas <p>Ergonomic hazards</p> <ul style="list-style-type: none"> - poor work posture eg twisting, bending repetitive motions <p>Contact with chemicals</p> <ul style="list-style-type: none"> - incorrect handling procedures - lack of information - not wearing appropriate PPE - incorrect storage elevated exposure levels. 	4	No	<p>Manual handling</p> <ul style="list-style-type: none"> - training of employees - job rotation - equipment designed to encourage minimum bending <p>Slips and falls</p> <ul style="list-style-type: none"> - access routes must be kept clear of materials and obstructions - surfaces used for access to be kept dry and in good condition - adequate lighting to be provided at all times <p>Ergonomic hazards</p> <ul style="list-style-type: none"> - job rotation - modify task requirements to reduce bending <p>Contact with chemicals</p> <ul style="list-style-type: none"> - if hazardous substance, risk assessment is done in consultation with employees - train all cleaners in MSDS requirements - PPE provided and maintained when appropriate - substances stored and labelled correctly - first aid kit contains necessary items.

TOOL 4

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required	Control measures
<p>Dusting and wiping benches</p>	<p>Strains/sprains – frequent bending and twisting</p> <p>Slips and falls – oily or slippery work floors – untidy work areas – steep or slippery steps and stairs – poorly lit work areas</p> <p>Ergonomic hazards – poor work posture eg bending – repetitive motions</p> <p>Contact with chemicals – incorrect handling procedures – lack of information – not wearing appropriate PPE – incorrect storage – elevated exposures levels.</p>	5	No	<p>Manual handling – training of employees – job rotation – equipment designed to encourage minimum bending</p> <p>Slips and falls – access routes must be kept clear of materials and obstructions – surfaces used for access to be kept dry and in good condition – cleaners to wear appropriate shoes with good grip – adequate lighting to be provided at all times</p> <p>Ergonomic hazards – job rotation – modify task requirement to reduce bending – provide efficient cleaning product to reduce repetition</p> <p>Contact with chemicals – if hazardous substance, risk assessment is done in consultation with employees – train all cleaners in MSDS requirements – PPE provided and maintained when appropriate – substances stored and labelled correctly – first aid kit contains necessary items.</p>

TOOL 4

Specific task/ activity	Potential hazards/consequences	Class of risk	Work Method Statement required	Control measures
<p>Rubbish collection and disposal</p>	<p>Strain/sprain</p> <ul style="list-style-type: none"> - lifting bins off floor - lifting garbage above shoulder height to empty into dumpsters - potential overloading of bins - lifting of dumpster lids <p>Slips and falls</p> <ul style="list-style-type: none"> - access routes obstructed by materials - slippery or uneven surfaces - poor visibility due to poor lighting - fall from edge of dock while emptying bins into dumpster <p>Ergonomic hazards</p> <ul style="list-style-type: none"> - poor work posture <p>Biological hazards</p> <ul style="list-style-type: none"> - needle stick injury - potential exposure to HIV or hepatitis <p>Traffic hazards</p> <ul style="list-style-type: none"> - cleaner may be hit by vehicle in dock area while walking to dumpster. 	3	Yes	See Work Method Statement (see Tool 5 sample).

TOOL 5

WORK METHOD STATEMENTS

Overview

Work Method Statements are a means for the cleaning contractor to demonstrate how a risk is identified during risk assessment (that cannot be eliminated) will be managed.

The work method statement outlines a safe method of work for a specific job. It will identify safety risks and describe specific control measures.

What jobs should I use a work method statement for?

Work Method Statements (which are sometimes called Safe Work Method Statements, Safe Operating Procedures or Job Safety Analysis) should be prepared for work activities where hazards cannot be eliminated. It is suggested that Work Method Statements are used for higher risk hazards with a risk ranking of 1, 2 or 3. See **Tool 4** for further information (eg working near traffic, working with sharps, working at heights).

Why should I use Work Method Statements?

Work Method Statements, fulfil a number of purposes. They:

- outline a safe method of work for a specific job
- provide an induction document that workers must read and understand before starting a job
- help meet legal responsibilities for such requirements as hazard identification, risk assessment and risk control
- help effectively coordinate the work, the materials needed, the time required and the people involved to achieve a safe and efficient outcome
- can be used as a tool in quality assurance.

When developing and using, Work Method Statements should:

- be prepared in consultation with those people who will be doing the job
- clearly display the organisation's name and registered address
- be signed by a senior management representative of the organisation and dated.

What should be included in a Work Method Statement?

- a description of the work to be undertaken
- step by step sequence in doing the work
- potential hazards associated with the work and with each of its steps
- safety controls that will be used to minimise these hazards
- all precautions to be taken to protect health and safety
- names and qualifications of those who will supervise the work and inspect and approve work methods, protective methods, plant, equipment.

Further guidance

For further guidance a copy of a sample work method statement is included over the page. For further information refer to WorkCover NSW *Guidelines for Writing Work Method Statements in Plain English* 1998, Catalogue No 231.

TOOL 5

WORK METHOD STATEMENT Contractor: Reliable Cleaning Co. Pty Ltd.		I approve of the use of this Work Method Statement Name Ms. D. Pendable Position Manager Signature D. Pendable Date 01.01.2002	
Description of Activity Waste Removal		Area Hotel	
Critical Steps in this Activity	Potential Hazards	Safety Controls	
<i>Rubbish collected from waste paper bins in hotel rooms into trolley.</i>	<ul style="list-style-type: none"> - infectious diseases from sharps - strain/sprain injury from lifting bins off floor. 	<ul style="list-style-type: none"> • ensure staff are trained in manual handling techniques, sharps collection and disposal and safe work procedures • write up or reproduce and make available safe work procedures for the collection and disposal of sharps • provide appropriate PPE • provide mechanical lifting assistance as required. 	
<i>Rubbish collected via wheelie bins from kitchen.</i>	<ul style="list-style-type: none"> - sprain/strain from wheelie bin being overloaded and too heavy. 	<ul style="list-style-type: none"> • ensure staff are trained in manual handling • ensure staff are aware not to overfill bins • all bins must be 100 litre or smaller • ensure mechanical lifting is provided. 	
<i>Rubbish collected from outside bins in garden areas into trolley.</i>	<ul style="list-style-type: none"> - slip trip or fall/strain or sprain from uneven paths or steps. 	<ul style="list-style-type: none"> • all paths to be repaired • bin to have plastic liners inside • ensure trolleys are suitable for the task • ensure staff are trained in manual handling. 	
<i>Rubbish collected from bins in public areas, eg. toilets</i>	<ul style="list-style-type: none"> - infectious diseases from sharps - strain/sprain injury from lifting bins off floor. 	<ul style="list-style-type: none"> • ensure staff are trained in manual handling, sharps collection and disposal and appropriate safe work procedures • write up or reproduce and make available safe work procedures for the collection and disposal of sharps. 	

TOOL 5

Critical Steps in this Activity	Potential Hazards	Safety Controls	
<p><i>Rubbish transferred from trolleys into industrial waste bins.</i></p>	<ul style="list-style-type: none"> – <i>strain/sprain from opening heavy lid of industrial waste bin</i> <i>Fall from edge of dock</i> – <i>potential for slip/trip or fall if bin is overloaded and persons try to compact by jumping on rubbish.</i> 	<ul style="list-style-type: none"> • <i>ensure staff are trained in manual handling</i> • <i>utilise mechanical lifting wherever possible</i> • <i>ensure lid manufactured of lightest material possible</i> • <i>ensure that edge of dock has a non-slip surface</i> • <i>make arrangements to ensure that dock is kept as dry as possible</i> • <i>if possible, exchange bin for mechanical compactor bin with all safety compliances fitted</i> • <i>instruct staff that under no circumstances are they to get into the bin</i> • <i>build steps to reduce lifting lid above shoulder height.</i> 	
Training Required to complete activity		Codes of Practice, Legislation, Standards which apply to this activity	
<p>(List training required, eg First Aid, manual handling, polisher, laboratory)</p> <ul style="list-style-type: none"> • <i>manual handling</i> • <i>sharps collection and disposal</i> • <i>safe work practices for the collection and disposal of sharps</i> • <i>safe work practices general.</i> 		<ul style="list-style-type: none"> • <i>OHS Act 2000</i> • <i>OHS Regulation 2001</i> • <i>National Standard for Manual Handling</i> • <i>National Code of Practice for Manual Handling</i> • <i>Code of Practice for Health Care Workers and other people at risk of the transmission of HIV and other blood-borne pathogens in the workplace</i> • <i>Code of Practice for Risk Assessment 2001</i> 	
List equipment/personal protective equipment required for this activity	List equipment maintenance checks required for this activity	Engineering certificates/ permits/approvals required for this activity	
<ul style="list-style-type: none"> • <i>sharps container, tongs, heavy duty gloves</i> • <i>suitable outdoor rubbish trolley</i> • <i>suitable indoor waste paper trolley</i> • <i>mechanical lifting device.</i> 	<ul style="list-style-type: none"> • <i>checks on trolleys</i> • <i>checks on mechanical lifting device if utilised.</i> 	<p><i>nil</i></p>	
Read and signed by all employees on site	Name	Date	
	Name	Date	
	Name	Date	
	Name	Date	

TOOL 6

CONTRACTOR OHS MONTHLY REPORT

Overview

The OHS Monthly Report is a tool to facilitate meaningful communication between the property owner, property manager and cleaning contractor. The Monthly Report creates documentary evidence of the flow of information between these four stakeholders.

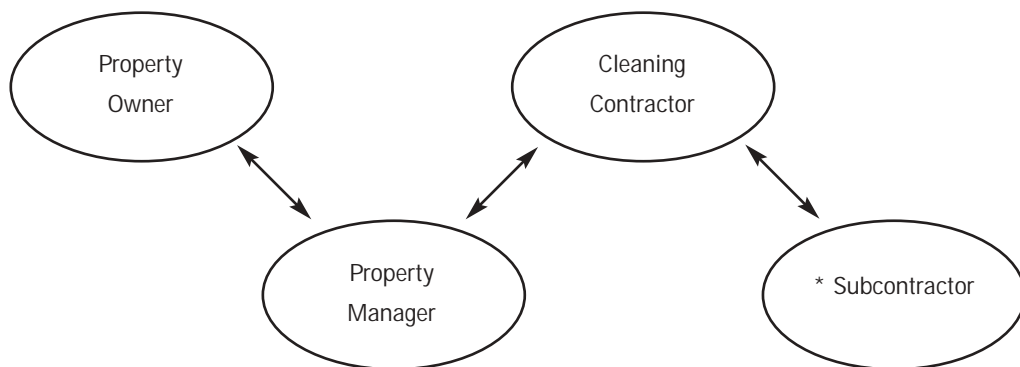
The sample Contractor OHS Monthly Report is made of three sections:

Section 1 – contains most of the information, is completed by the Cleaning Contractor

Section 2 – completed by the Property Manager, and

Section 3 – completed by the Property Owner.

Diagram of information flow



(* eg carpet cleaning, window cleaning)

CONTRACTOR OHS MONTHLY REPORT

SECTION 1 – COMPLETED BY CLEANING CONTRACTOR					
Contract Name			Month		
Contract Number			Prepared by		
Contractor			Date		
Are subcontractors engaged in this work Yes/No					
Subcontractor Names (legal identity)					
PERFORMANCE INDICATORS					
			This month	Total	Monthly Average (over last 12 months)
Number of lost time injuries					
Working days lost due to injury					
Number of first aid treatments					
Number of hazard inspections conducted					
STATUS OF INJURED PERSONNEL AND PROPERTY DAMAGE					
Name/Item	Injury/damage	Date of Incident	Days lost for injured person		Forecast Return-to-Work for injured person
			This month	Total for year	
OUTCOMES OF OHS AUDITS/INSPECTIONS					
Comments / Outcomes					
Next audit or inspection is planned for (date)					

TOOL 6

WORKCOVER ACTIVITIES/INSPECTIONS			
(Visits to the site, notices serviced, fines imposed etc)			
OHS CORRECTIVE ACTIONS			
List all Corrective Actions for this month	Status. Work is:		Comments
	Complete	Outstanding	
COMMENTS ON POSITIVE OHS PERFORMANCE			
Contractor representative			
(eg Workplace inspection held, OHS training)			
UNRESOLVED HEALTH AND SAFETY ISSUES			
Detail			

TOOL 6

SECTION 2 – COMPLETED BY PROPERTY MANAGER
Date of review of Section 1
Comments (feedback to Cleaning Contractor)
Is further action or are further documents required to be submitted by Cleaning Contractor? Specify (eg request for accident investigation reports)
Recommendations for Property Owner
Name/Position Signature
SECTION 3 – COMPLETED BY PROPERTY OWNER
Date of review of Section 1 and 2
Comments (feedback to Property Manager)
Is further action or are further documents required to be submitted by Property Manager? Specify (eg request for accident investigation reports)
Recommendations to Property Manager
Name/Position Signature

TOOL 7

GENERAL HEALTH AND SAFETY CHECKLIST

Overview

The workplace is never static and there can be the potential for deviations from work routines. For this reason it is necessary to monitor the workplace, to gather information about potential hazards and to have processes in place to act on the information gathered. Regular planned hazard inspections of work areas can assist monitoring and supervising work areas and contractors.

Inspections should be conducted jointly by management and employee /contractor representatives and should seek input from the personnel required to undertake the tasks being inspected.

Inspection reports should be forwarded to senior management and should contain recommendations for implementation of corrective actions.

The checklist is included as a guide only and may be modified to suit specific contract requirements.		
Contact Name		
Contract Description		
Contractor		
Worksite Location	Date	Time
Persons completing inspection		
Cleaners were present at time of inspection	Yes/No	
Indicate in the following manner <input checked="" type="checkbox"/> Acceptable <input checked="" type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A Not Applicable		
1. Health and Safety Systems		
1.1	OHS policy displayed	
1.2	Accident/hazard reporting book readily available	
1.3	Induction records	
1.4	Training records	
1.5	Return-to-Work Program available	
1.6	Previous workplace inspection records available	
1.7	Risk Assessment for this contract available	
1.8	Work Method Statements available where appropriate	
1.9	Protective clothing and equipment records	

TOOL 7

1.10	Chemical Register containing current MSDS available	
1.11	Health and safety systems manual	
1.12	Employee OHS representatives appointed	
1.13	Management Return-to-Work Coordinator and safety representative appointed	
1.14	Emergency procedures	
2. Housekeeping and Lighting		
2.1	Work areas free from rubbish and obstructions	
2.2	Free from slip/trip hazards	
2.3	Floor openings covered	
2.4	Stock/material stored safely	
Aisles		
2.5	Unobstructed and clearly defined	
2.6	Adequate lighting at all times cleaners are working	
2.7	Vision at corners	
2.8	Wide enough	
Lighting		
2.9	Lighting is adequate to allow cleaners to work safely	
2.10	Lighting facilitates safe entry and exits to place of work	
2.10	No flickering or inoperable lights	
2.11	Emergency lighting system	
2.12	Lighting available at all times (summer and winter) that cleaners are on site	
Storage		
2.13	Sufficient space for storing and moving stock	
2.14	Material stored in racks/bins	
2.15	Shelves free of rubbish	
2.16	Floors around stacks and racks clear	
2.17	Heavier items stored low	
2.18	No danger of falling objects	
2.19	Safe means of accessing high shelves	

TOOL 7

3. Manual Handling		
3.3	Manual handling risk assessment has been undertaken (for such activities as vacuuming, mopping, polishing)	
3.4	Manual handling controls implemented	
3.2	Work Method Statements available (where appropriate)	
3.1	Mechanical aids provided, used and in good working order (eg bin lifters, trolleys)	
4. Workplace Ergonomics		
4.1	Ergonomic factors considered in work layout and task design	
4.2	Use of excessive force and repetitive movements minimised	
4.3	Appropriate training provided	
5. Electrical and Equipment		
5.1	No broken plugs, sockets, switches	
5.2	No frayed or defective leads	
5.3	Equipment and leads inspected and tagged as per AS3760 (commercial cleaning extension leads and double insulated equipment tagged every 12 months)	
5.4	No cable-trip hazards	
5.5	Lock-out procedures/danger tags in place for faulty equipment	
5.6	Earth leakage systems used	
5.7	Plant and equipment in good condition	
5.8	Daily safety inspection procedures/checklists available	
5.9	Fault reporting/rectification system used	
5.10	Warning lights operational on mobile plant	
5.11	Satisfactory operating practices	
5.12	Fire extinguishers available	
5.13	Work Method Statement of lifting or carrying equipment displayed	
6. Prevention of Falls		
6.1	All floor penetrations covered or barricaded	
6.3	Safe work procedure in place for working from heights	
	Stable and securely fenced work platforms are provided where cleaner can fall more than 2 metres (if not, then fencing, handrails or other physical barriers or other physical restraints are provided)	

TOOL 7

Stairs, steps and landings		
6.4	No worn or broken steps	
6.5	Handrails in good repair	
6.6	Clear of obstructions	
6.7	Adequate lighting	
6.8	Emergency lighting	
6.9	Non-slip treatments/treads in good condition	
6.10	Kick plates where required	
6.11	Clear of debris and spills	
6.12	Used correctly	
Ladders		
6.13	Ladders in good condition	
6.15	Correct angle to structure 1:4	
6.16	Extended 1.0 metre above top landing	
6.17	Straight or extension ladders securely fixed at top	
6.18	Metal ladders not used near live exposed electrical equipment	
7. Hazardous Substances		
7.1	Stored appropriately	
7.2	Containers labelled correctly	
7.3	Chemical Register readily available	
7.4	Chemical Register contains current Material Safety Data Sheets	
7.5	Chemical Register has Risk Assessment notations	
7.6	Adequate ventilation/exhaust systems if in a poorly ventilated area	
7.7	Protective clothing/equipment available/used	
7.8	Personal hygiene - dermatitis control	
7.9	Waste disposal procedures	
7.10	Appropriate emergency/first aid equipment - shower, eye bath, extinguishers available	
8. Personal Protection Equipment (PPE)		
8.1	Employees provided with PPE as a last alternative to other safety control measures	
8.2	PPE worn by employees	
8.3	PPE in good condition	
8.4	Sun-cream and sunglasses provided for outdoor work	

TOOL 7

12. Amenities and First Aid		
12.1	Adequate First Aid facilities available at all times for all sites	
12.2	Stocks meet requirements as per Section 20(5) of the OHS Regulation	
12.3	First aiders names displayed in a prominent location	
12.4	First aiders location and phone numbers displayed	
12.5	First aiders qualifications are up to date	
12.6	First aid records maintained	
12.7	Toilets and washrooms available for cleaning staff	
12.8	Drinking water available for cleaning staff	
12.9	Lockers clean	
13. Fire Control		
13.1	Extinguishers in place	
13.2	Fire fighting equipment serviced/tagged	
13.3	Appropriate signing of extinguishers	
13.4	Extinguishers appropriate to hazard	
13.5	Emergency exit signage	
13.6	Personnel trained in use of fire fighting equipment	
14. Waste Disposal		
14.1	Risk Assessment documentation is available for waste disposal	
14.2	Bins are not overloaded	
14.3	Trolleys are available	
14.4	Pathways for wheelie bins and trolleys are clear and free from obstructions	
14.5	Dumpster bin is in an appropriate location	
14.6	Lid on dumpster bin is easy to open	
14.7	Appropriate PPE is worn and maintained	
14.8	Mechanical bin-lifter devices are used whenever possible	
15. Isolated workers		
15.1	Communications strategy for isolated workers is in place in case of emergencies	
15.2	Regular contact and supervision of isolated workers	

FOR FURTHER INFORMATION AND ASSISTANCE

Organisations

WorkCover NSW

WorkCover NSW works with industry, the workforce, and insurers to promote a culture of safety through public awareness programs, education and other community activities and to improve the performance of the workplace safety, injury management, and workers compensation systems.

Ph: 13 10 50

www.workcover.nsw.gov.au

Building Service Contractors Association of Australia

BSCAA is an employer organisation, whose purpose is to foster and encourage the growth and development of the contract cleaning and building services industry. BSCAA provides information and advice to members on a range of employment and industrial issues.

Ph: (02) 9437 4411

www.bscaa.asn.au

Liquor Hospitality and Miscellaneous Workers Union – NSW Branch

The LHMU represents more than 150,000 workers in the hospitality, tourism, manufacturing, property services, health and community service sector.

Ph: (02) 8204 7204 or free call for country members 1800 805 027

www.lhmu.org.au

Property Council of Australia

PCA represents the interests of the commercial property industry. Members range from property owners (property trusts, investment banks, superannuation companies) through to all those who support them.

Ph: (02) 9252 3111

www.propertyoz.com.au

Occupational health and safety consultants

Fee for service OHS consultants can be found in the yellow pages under occupational health and safety.

www.yellowpages.com.au

Workers compensation insurers

Your workers compensation insurer can assist you with workers compensation and injury management enquires. To find a list of workers compensation insurers see www.yellowpages.com.au or

www.workcover.nsw.gov.au

(go to workers compensation, then insurer, then list of licensed insurers).

APPENDIX 1

Publications

Consultation

OHS Consultation – Code of Practice, WorkCover NSW. Catalogue No 311. This Code of Practice discusses when to consult, deciding on appropriate arrangements, workgroups, committees, representatives, training and the facilitation of the OHS consultation process. 76pp.

What managers can do – occupational health and safety and the multilingual workforce, WorkCover NSW. Catalogue No 203. Helpful points for managers needing to communicate with workers from non-English speaking backgrounds. 6pp.

Injury and Claim Management

Guidelines for employers return-to-work program, WorkCover NSW. Catalogue No 506. Details on how to develop workplace rehabilitation program by WorkCover NSW including rehabilitation commitments and procedures for category 1 employers. Guidelines for industry rehabilitation coordinators are also contained. 21pp.

Watching Out for You: poster, WorkCover NSW. Catalogue No 22.1. The display of this poster is compulsory for all NSW workplaces. Summarises worker and employer obligations under Workers Compensation legislation. A3 poster.

Workers Compensation for Contractors and Sub-Contractors, WorkCover NSW. Catalogue No 507. Who needs a workers compensation policy? Who is a worker for workers compensation? 6pp

Injured worker: what do you do next? WorkCover NSW. Catalogue No 961. A simple guide to employer obligations when a worker is injured. 3 panel DL brochure.

Medical practitioners and rehabilitation providers, WorkCover NSW. Catalogue No 532. Explains how doctors and rehabilitation providers can work together to assist injured workers to return to work. 2 panel DL brochure.

Injury Management Consultant: Information for Workers, WorkCover NSW. Catalogue No 541. 3 panel DL brochure.

Nominated Treating Doctor: Information for Workers, WorkCover NSW. Catalogue No 543. 3 panel DL brochure.

Premium Discount Scheme, A Guide to the Premium Discount Scheme including information on discounts, benchmarks and audits, plus an example of how the Premium Discount Scheme works. Available on internet only. www.workcover.nsw.gov.au (refer to Publications).

Premium Discount Scheme, WorkCover NSW. Catalogue No 37. 2pp.

How to organise suitable duties in the cleaning industry, WorkCover NSW. Catalogue No 517. 2pp.

OHS Legislation

Summary of the OHS Act 2000, WorkCover NSW. Catalogue No 100.1. Plain English guide to the Occupational Health and Safety Act. 4pp.

Summary of the OHS Regulation 2001, WorkCover NSW. Catalogue No 106. 32pp

OHS Management Systems

Workplace Safety Kit – Guide, WorkCover NSW. Catalogue No 40. Guidelines for small to medium size businesses. Seven step approach to developing OHS Management Systems. 38pp

OHS&R Management Systems Guidelines, 3rd ed. NSW Government Construction Policy Steering Committee. NSW Department of Public Works and Services 1998, www.dpws.nsw.gov.au or Ph: 9372 8877.

Guidelines for Auditing Project OHS&R management plans, NSW Government Construction Policy Steering Committee. NSW Department of Public Works and Services 1998. www.dpws.nsw.gov.au or Ph: 9372 8877.

Safety MAP, Victorian WorkCover Authority. An audit tool designed to assist organisations of all sizes and functions improve their management of health and safety.

AS/NZS 4804:1997 OH&S management systems – General Guidelines on principles, systems and supporting techniques, Standards Australia. www.standards.com.au or Ph: 1300 654 646.

Small Business Safety Starter Kit, WorkCover NSW. Catalogue No 50. This kit has been designed to assist small employers, ie those with 20 or less employees, to comply with new OHS legislation in NSW. The kit provides advice on where to start and how to incorporate safety management into business operations. Kit

Risk Management

Risk Assessment – Code of Practice, WorkCover NSW. Catalogue No 963. 2001. The purpose of this Code of Practice is to provide practical guidance to assist employers to meet their risk assessment obligations under the *Occupational Health and Safety Regulation 2001*. 8pp.

Risk Management at Work – Guide, WorkCover NSW. Catalogue No 425. 2001. Explains three steps of risk management, who should be involved in risk management and six steps in setting up an OHS management system. 24pp.

HazPak – Making your workplace safer, WorkCover NSW. A practical guide to basic risk management. 16pp

Guidelines for Writing Work Method Statements in Plain English, WorkCover NSW. Catalogue No 231. Guidelines for writing procedures for a safe method of work, particularly for the building and construction industry. 36pp.

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First Aid

First Aid in the Workplace: Guide, WorkCover NSW. Catalogue No 121. Step-by-step guide to setting up a first aid program. 8pp.

First Aid in the Workplace: An Example for Small-to-Medium Business, WorkCover NSW. Catalogue No 155. A list of common hazards and the injuries and illnesses that might result, a sample first aid plan, a planning checklist to assist businesses fine tune first aid plans. 57pp.

Approved First Aid Courses in New South Wales, WorkCover NSW. Catalogue No 200. Updated regularly, list of persons who are accredited by WorkCover to give first aid and occupational first aid training. 6pp.

Hazardous Substances

Managing Chemical Hazards in the Workplace: Advice for Managers and Supervisors, WorkCover NSW. Catalogue No 454. Introduction to the Hazardous Substances Regulation. Outlines how workers can be protected from the harmful effects of hazardous substances and suggests ways to manage the health hazards involved. 12pp.

Reading Labels and Material Safety Data Sheets, WorkCover NSW. Catalogue No 400. How to read and understand labels and MSDS on hazardous substances and act on the safety information they contain. 14pp.

Code of Practice for the Labeling of Workplace Substances, WorkCover NSW. Catalogue No 152. Provides guidelines on the labeling of all substances used at work. 80pp

Code of Practice for the Control of Workplace Hazardous Substances, WorkCover NSW. Catalogue No 153. Details the information provisions (labels, MSDS, etc) and assessment and control provisions which form part of the requirements concerned with the control of workplace hazardous substances. 57pp.

Manual Handling

National Standard for Manual Handling and Code of Practice for Manual Handling, National Occupational Health and Safety Commission. Available from AusInfo Ph: 132 447 or www.nohsc.gov.au.

National Code of Practice for Prevention of Occupational Overuse Syndrome [NOHSC: 2013 (1994)], National Occupational Health and Safety Commission. Available from AusInfo Ph: 132 447 or www.nohsc.gov.au

APPENDIX 1

Manual Handling for Cleaners, WorkCover NSW. Catalogue No 713. Information and training manual for cleaners, especially those working in schools and Institutes of TAFE. Prepared by the Liquor, Hospitality and Miscellaneous Workers Union under a grant from WorkCover. 82pp.

Health and Safety for Cleaners: Selecting the Right Mopping Equipment, WorkCover NSW. Catalogue No 751. 8pp.

Skin Cancer and outdoor workers

Skin Cancer and Outdoor Workers: A Guide for Employers, WorkCover NSW. Catalogue No 116. Outlines an employer's duty of care towards outdoor workers and ways to protect workers from the harmful effects of the sun. 6pp.

Skin Cancer and Outdoor Workers: A Guide for Workers, WorkCover NSW. Catalogue No 117. Outlines employees' obligations and gives a brief description of the different types of skin cancer and how best to protect themselves from the harmful effects of the sun. 6pp.

Ladders and Stairs

Portable Ladders, WorkCover NSW. Catalogue No 4503. 3pp. Available on internet only.
www.workcover.nsw.gov.au

AS 1657-1992 Fixed platforms, walkways, stairways and ladders – Design, construction and installation, Standards Australia. www.standards.com.au or Ph: 1 300 654 646.

Needlestick injuries

Code of Practice for Health Care Workers and Other People at Risk of the Transmission of HIV and other Blood-Borne Pathogens in the Workplace, WorkCover NSW. Provides a step-by-step guide to identifying when the risk of transmission exists in the workplace, and, if a risk is identified, to assessing and controlling that risk. 52pp.
www.nohsc.gov.au.

APPENDIX 1

Other publications

Your Guide to Workplace Health and Safety, WorkCover NSW. Catalogue No 909. A simple introduction to occupational health and safety at work: common hazards, suggestions for safer manual handling, safety signs and an overview of the functions of OHS committees. Also available in Arabic, Croatian, Greek, Italian, Maltese, Serbian, Spanish, Tagalog and Vietnamese. 32pp

Due Diligence at Work Checklist for Action on Workplace Health and Safety for Company Directors and Managers, WorkCover NSW. Catalogue No 126. This guide is action-oriented and provides a series of helpful checklists to help employers to determine whether they are adequately protecting the health, safety and welfare of their employees. 47pp.

Violence in the Workplace: Fact Sheet, WorkCover NSW. Catalogue No 68. Includes a list of common hazards and the injuries and violence risks that may result and a sample of risk control strategies. 8pp

Code of Practice: Workplace Amenities, WorkCover NSW. Catalogue No 318. This code sets out and explains the requirements for amenities such as toilets, dining areas, and drinking water in the workplace. 28pp.

AS/NZS 3670-2001 In-service safety inspection and testing of electrical equipment, Standards Australia. This standard specifies procedures for the safety inspecting and testing of electrical equipment and leads. Standards Australia. www.standards.com.au or Ph: 1300 654 646.

NSW OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001

While not restricting the limit of applicable clauses, it is suggested that the following list of pertinent sections of the NSW *OHS Regulation 2001* should be referred to:

Chapter 2 – Places of work – risk management and other matters

- Clause 8 – Responsibilities held by more than one responsible person
- Clause 9 – Employer to identify hazards
- Clause 10 – Employer to assess risks
- Clause 11 – Employer to eliminate or control risks
- Clause 12 – Employer to review risk assessments and control measures
- Clause 13 – Employer to provide instruction, training and information
- Clause 14 – Employer to provide supervision
- Clause 15 – Provision by an employer of personal protective equipment
- Clause 16 – Employer to obtain information
- Clause 17 – Employer to provide for emergencies
- Clause 18 – Employer to provide amenities
- Clause 19 – Maintenance of amenities and accommodation
- Clause 20 – Employer to provide first aid facilities and personnel

Chapter 3 – Consultation

- Clause 22 – Setting up consultation arrangements
- Clause 23 – Workgroups represented by OHS committees or OHS representatives
- Clause 24 – Minimum requirements for OHS committees
- Clause 25 – Minimum requirements for election of OHS representatives
- Clause 26 – Other agreed arrangements
- Clause 31 – Training to be undertaken by members of OHS committees and OHS representatives

Chapter 4 – Work premises and working environment

- Clause 34 – Controller of premises to identify hazards
- Clause 35 – Controller of premises to assess risks
- Clause 36 – Controller of premises to eliminate or control risks
- Clause 37 – Controller of premises to review risk assessments and control measures
- Clause 38 – Controller of premises to provide information

Chapter 12 – Notifying incidents / accidents

- Part 12.1 Notification of accidents and other matters
- Part 12.2 Prescription of additional non-disturbance occurrences

APPENDIX 2

CODES OF PRACTICE

An approved industry code of practice is a practical guide to achieving the standard of health, safety and welfare required by the Occupational Health and Safety Act and Regulations for a particular area of work. An approved industry code of practice should be followed unless there is an alternative course of action which achieves the same or a better standard of health and safety in the workplace.

Codes of Practice are available from WorkCover NSW.

The following codes are called up under the NSW *Occupational Health and Safety Regulation 2001*:

- Noise Management and Protection of Hearing at Work – Code of Practice 2001
- Health Care Workers and Other People at Risk of the Transmission of HIV and other Blood-Borne Pathogens in the Workplace – Code of Practice
- Hot and Cold Environments – Code of Practice
- OHS Consultation – Code of Practice
- Risk Assessment – Code of Practice
- Technical guidance – Code of Practice
- Workplace Amenities – Code of Practice.

WORKERS COMPENSATION FOR CONTRACTORS AND SUB-CONTRACTORS

Who needs a workers compensation policy?

Anybody who operates a business and employs workers or engages contractors, must obtain a workers compensation insurance policy.

All employers have a legal liability to pay compensation to workers who are injured in the course of their work, and employers are required by law to hold a workers compensation insurance policy from a licensed WorkCover insurer to cover that potential liability.

Who is a 'worker' for workers compensation insurance purposes?

The *Workers Compensation Act 1987* defines a worker to be any person who works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing.

For the purposes of workers compensation, a group of people may be 'deemed workers' and are also entitled to workers compensation benefits if injured, and the person or company who engages their services is obliged to provide workers compensation insurance just as they would for a direct employee.

These deemed workers include outworkers, salespersons, some contractors, some rural contractors, some timber-getters, jockeys, taxi-drivers, and ministers of religion.

A business that engages contractors who are deemed to be workers is considered to be 'an employer' even if the business has no direct employees. For information about the special provisions applying to other situations, contact the WorkCover Authority (see contact details at the end of this guide).

It is not necessary to conclusively determine whether a person is an 'employee' or a 'contractor'. In borderline cases, the person, even if a contractor, would be deemed to be a worker for workers compensation purposes, under the provisions of the law.

The law does not solely use a person's tax status to determine whether he or she is a worker, deemed worker or contractor.

APPENDIX 3

How do you distinguish between an employee and a contractor?

There are several factors which distinguish an employee from a contractor:

A contractor is more likely to

- be engaged to carry out a particular task, using his or her own skill and judgment
- employ others, delegate or sub-let work to another
- be paid on the basis of a job quotation
- supply his or her own tools and materials
- carry on an independent business in his or her own name or under a business name
- be subject to PPS tax arrangements.

An employee is more likely to

- be subject to direction from the employer as to the work to be performed and the time and manner in which it is performed
- be required to actually carry out the work
- be paid on a time basis
- have tools and materials supplied by the employer
- work exclusively for a single employer
- be subject to PAYE tax arrangements.

When is a contractor deemed to be a worker?

The contractor is deemed to be a worker employed by the person or company who made the contract with the contractor when:

- the value of the work exceeds \$10
- the contractor does not employ workers
- the contractor does not sub-let part or all of the contracted work
- the work is not part of a business or trade regularly carried out by the contractor in his/her own name or under a business name.

In this situation, the owner of the business or principal of the business who engages the contractor, has a similar level of control over the contractor as that over a direct employee. The owner or business principal has a duty of care to the contractor and should have workers compensation insurance.

If in doubt, contact WorkCover on **13 10 50** for further advice.

APPENDIX 3

A contractor is not a worker if

- the contract for the work is made between the principal and the contractor's limited liability company or properly constituted partnership
- the contractor employs any workers in relation to the contract, or the contractor sub-lets all or part of the contracted work
- the contractor is a tradesperson conducting a business in a recognised trade, and the nature of contracted work is in that trade
- the contractor, who may be a sole trader, is shown carrying out an independent business in his or her own name or under a business name.

Some important points to note

- Where a contractor enters a permanent or ongoing arrangement with a single principal, the contractor is no longer considered to be 'regularly carrying on a business or trade in his or her own name', and is considered a worker of the principal.
- If a contractor or tradesperson contracts to perform work which is outside his normal trade or business, then he or she is deemed to be a worker. For example, if a person whose normal business/trade is a bricklayer contracts to move some furniture, that person would be deemed to be a worker, as the work is not part of his normal business or trade.
- If a contractor employs workers and does not have workers compensation insurance, the law allows injured workers to claim directly against a principal. A principal who engages a contractor who employs workers should always check that the contractor has workers compensation insurance.
- Where a contractor operates through a limited liability company, the contractor is considered to be a worker of his or her own company. The contractor's company must obtain a workers compensation policy to cover the contractor, even if the company employs no other workers.
- When a workers compensation claim is lodged by a contractor, the status of the claimant as a worker is a question that may ultimately be decided by the Compensation Court. To be safe, all principals who engage contractors should obtain a workers compensation insurance policy.

APPENDIX 3

What should be declared as 'wages' for contractors who are deemed workers?

If a principal hires contractors who are deemed to be workers, the total contract payments made to the contractors must be declared as wages on wage declaration forms submitted to the WorkCover insurer.

The total amount paid will be reduced by the insurer to allow for costs incurred by the contractor in performing the contract.

WorkCover has developed standard percentages which represent the amount of the total contract payment that will be considered wages. If a dispute exists between the employer and the insurer as to the appropriate percentage, then the employer may refer the matter to WorkCover for a determination.

How do these arrangements apply to owner-builders?

Workers compensation arrangements apply to owner-builders, as they do to any other person who engages workers or contractors. Contractors engaged by an owner-builder may be deemed to be workers. All owner-builders who engage contractors should obtain a standard workers compensation policy to ensure they are fully covered.

Why is a policy required if there are no workers?

Any person or company which operates a business and engages contractors should obtain and maintain a workers compensation policy. Even if the business does not have employees, and the contractors engaged appear not to be deemed workers, the business still has a potential workers compensation liability. A contractor or a contractor's worker, may be found by the court to be a worker, and the employer of the contractor would be liable to pay compensation.

A workers compensation policy operates to cover all workers and deemed workers whom the employer engages. It is not necessary to arrange separate cover for contractors.

What records must be kept?

Records must be kept of all payments to workers and to contractors. These records include wages cash books, accounts and any other record of a payment to a worker or deemed worker. The records must be kept in a legible form which can be made available to auditors sent by insurers to verify wages declarations.

Employers are also required to maintain records of the contractor's trade or calling of all workers or deemed workers engaged by them.

Where contractors are engaged who are not deemed workers, records should be kept to substantiate this. For example, contract payments made in that company or partnership name, tenders or invoices on the contractor's business letterhead, or the contractor's business card.

APPENDIX 3

Do insurers have a right to audit wages records?

Yes. Insurers are required by the WorkCover Authority to conduct regular audits of employers' records to ensure that amounts declared as wages are correct. All relevant documents must be made available.

Insurers are also entitled to access employers' records to verify that a contractor is, or is not, a deemed worker.

What are the penalties for uninsured employers?

Employers who do not maintain a current workers compensation insurance policy may:

- be fined a maximum of \$22,000, and face six months imprisonment
- have to pay twice the amount of premium that was owed for the period the employer was uninsured
- be liable to pay for all the costs associated with any claim for workers compensation which occurs during the period the employer was uninsured.

If WorkCover finds that an employer has provided an insurer with false or misleading information which results in less than the correct amount of premium being assessed, WorkCover may recover twice the amount of avoided premium from the employer.

For further information, contact the WorkCover Information Centre: **13 10 50**
(Toll free from Sydney and local call state wide)

Note: There are other provisions of the *Workplace Injury Management and Workers Compensation Act 1998* applying to deemed workers in particular occupation groups and industries. If your situation is unusual or unique, then you should consult with your WorkCover insurer or the WorkCover Authority.

Catalogue No. **1222** Ordering Hotline **1300 799 003**



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Locked Bag 2906 Lisarow NSW 2252 WorkCover Assistance Service **13 10 50**
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