Contractor Management

Do Schools need to comply?

Yes, if you engage contractors at your school.

Conditions of compliance:

A School has a duty of care to protect the health and safety of an independent contractor (and their employees) whilst on its premises. Essentially, a School owes the same duties to contractors as it does to its own employees. Therefore, it is important that all Schools effectively induct and manage any contractor that enters its premises, so they can effectively meet its WHS legislative obligations.

A School is required under the WHS legislation to provide a work environment that is safe and without risks to an individual’s health and well-being. This means that a School is responsible for safety hazards that exist or may exist on its premises, even if external contractors introduce the hazard. Similarly, a School also has a duty to protect the health and safety of contractors (and their employees) whilst on its premises (“workplace”).

Therefore, before engaging a contractor, the School must ensure they are:

- Suitably qualified to perform the work, by verifying details of their license, accreditation, qualifications etc;
- Have a plan for performing the work safely, i.e. they have policies and procedures for performing the tasks required (referred to as a Job Safety Analysis or JSA); and
- Has a process for regularly monitoring safety issues, e.g. an induction process for their own staff.

Following these steps will allow the School to risk assess the contractor even before they are engaged or start work.

Once you decide to engage the contractor, you should complete a WHS induction before they start work. This is the main opportunity for the School to ensure that the contractor will perform their activities they have been engaged to perform, safely. The induction will also provide the School with the opportunity to communicate any particular WHS (or other) requirements they have that the contractor must comply with, e.g. emergency and evacuation procedures, the reporting of any incidents and/or hazards etc.

The induction when finished should be signed off by the contractor.

The induction should include:

- Site entry and access;
- Hazardous substances;
- Use of equipment, e.g. their electrical equipment is tagged and tested and the date on the tag is current; and
- Emergency response procedures;
- Work permits;
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- How and where the work is to be performed; and
- Other relevant business policies.

Once a contractor is inducted, it is important, particularly if they are performing various jobs or jobs over a number of days, that the performance of their work is monitored to ensure this is being undertaken safely. This can be done by:

- Undertaking inspections of their work practices;
- Adopt and enforcing policies of the School or the contractor in respect to safety practices, e.g. protective clothing.
- Asking the contractor to complete a safety checklist of their work area; and
- Communicating any WHS concerns to the contractor and/or asking them to report safety issues, from their work area and reviewing what remedial work has been performed.

It is also prudent, on completion of the job by the contractor, that the School records any safety related issues that may have arisen, including details of whether the contractor had any work injuries or was involved in any safety incidents whilst on the School’s premises.

To assist independent Schools manage the important area of WHS induction and the ongoing management of contractors, AISSA has provided a sample checklist for inducting individual contractors when being bought on-site on its website.

**What are the consequences if you don’t comply?**

You may be in breach of the Work Health and Safety Act 2012 (SA), and the Work Health and Safety Regulations 2012 (SA) and subject to investigation and prosecution by SafeWork SA.

**Useful links:**

- Safe Work SA
- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012