

	<b>WHS CONTRACTOR MANAGEMENT PROCEDURE</b>		Version No:	5.2
			Issued	16/03/2023
			Next Review:	March 2027

## 1. Overview

The District Council of Peterborough (**the organisation**) recognises its obligation to:

- Ensure the health and safety of workers engaged, or caused to be engaged by the organisation while the workers are at work in the organisation's business or undertaking, so far as is reasonably practicable;
- Eliminate risks to health and safety, so far as is reasonably practicable and if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable; and
- Consult, co-operate and co-ordinate activities with other persons conducting a business or undertaking (**PCBU**) who have a duty in relation to the same matter, so far as is reasonably practicable.

This procedure aims to:

- Ensure that the organisation adopts a systematic approach to the selection, engagement, induction, monitoring and evaluation of contractors, so that it only engages:
  - Competent providers of the goods and services they are contracted to provide; and
  - Contractors who are able to demonstrate their ability to work within the requirements of the Work Health and Safety (**WHS**) Act (SA) 2012 and WHS Regulations (SA) 2012, approved Codes of Practice (CoP) and any other relevant legislation and industry standards.
- Develop and implement communication processes that demonstrate consultation, cooperation and coordination between shared duty holders occur, so far as is reasonably practicable.

This procedure deals with contracted work, which will include construction work as defined in the Work Health and Safety Regulations 2012, maintenance work, and consultants. Users of this procedure are advised to ensure that all legal requirements for construction work and other relevant legislation including environmental protection are addressed. This may be assisted by use of the LGAWCS Model WHS Construction Activities Guidance Checklist.

This procedure must be read in conjunction with the organisation's Procurement policy and related procedures.

SIGNED:

CEO

Date: 27/3/23

Chairperson, Health and Safety  
Committee (HSC)

Date: 27/3/23

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## 2. Core Components

The core components of the Council's Contractor Management Procedure aim to:

- (a) Implement a selection process that:
  - i. Requires potential contractors to provide core information relating to their ability to work within legislative requirements and any additional information requested by the organisation, based on the hazards associated with the task or activity to be undertaken; and
  - ii. Provides documented information relating to reasonably foreseeable site specific activities and hazards to potential contractors for consideration in their submission; and
  - iii. Documents an assessment of the information contained in the potential contractor's submission against legislative requirements and the organisation's minimum WHS expectations for the proposed work;
- (b) Include contractors in the hazard identification and control processes for the work they will be doing;
- (c) Require, development and implementation of appropriate communication processes between the organisation and its contractors to be in place which demonstrate that consultation, cooperation and coordination between shared duty holders occurs are in place, so far as is reasonably practicable;
- (d) Require an appropriate risk based schedule to be developed and implemented by the Contract Manager/Superintendent to monitor each contractor's WHS compliance (and that there are systems are in place for addressing non-compliance); and
- (e) Maintain currency and relevance of the organisation's contractor management systems through a process of monitoring, review and continuous improvement.

## 3. Definitions

Construction project	<p>A project that involves construction work where the cost of the construction work is \$450,000 or more</p> <p>[as defined by the WHS Regulations (SA) 2012: Regulation 292]</p>
Construction work	<p>Any work carried out in connection with the construction, alteration, conversion, fitting out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure</p> <p>[as defined in the WHS Regulations (SA) 2012: Regulation 289]</p> <p>But does not include the following:</p> <ol style="list-style-type: none"> <li>(a) the manufacture of plant;</li> <li>(b) The prefabrication of elements, other than at a place specifically established for the construction work, for use in construction work;</li> <li>(c) The construction or assembly of a structure that once constructed or assembled is intended to be transported to another place;</li> <li>(d) Testing, maintenance or repair work of a minor nature carried out in connection with a structure;</li> <li>(e) Mining or exploration for or extraction of minerals;</li> </ol> <p>[as defined in the WHS Regulations (SA) 2012: Regulation 289]</p> <p>'In connection with' means related to or associated with construction. Contracts covering a project are a good guide to what activities are done in connection with construction.</p> <p>Examples may include:</p> <ul style="list-style-type: none"> <li>• Work by architects or engineers in on-site offices or conducting on-site</li> </ul>

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	<p>inspections, but not architects or engineers working in offices away from the construction site.</p> <ul style="list-style-type: none"> <li>• Work by a mechanic on an excavator on-site and not in an associated service area.</li> <li>• Delivering building materials to different points on the site, but in an isolated service area.</li> <li>• Excavating for a basement or garage.</li> <li>• Testing fire equipment on the construction site.</li> <li>• Supervisors and manager moving around the site to monitor work.</li> <li>• Surveying a site after construction has started, but not surveying a Greenfield site before construction has started.</li> <li>• Traffic control on a construction site.</li> </ul> <p>[source: Code of Practice - Construction Work, June 2020 . P.6]</p>
Contract	<p>A contract is a written or expressed agreement between two parties to provide a product or service.</p> <p>There are essentially six elements of a contract that make it a legal and binding document. In order for a contract to be enforceable, it must contain:</p> <ol style="list-style-type: none"> <li>An offer that specifically details exactly what will be provided</li> <li>Acceptance, which is the agreement by the other party to the offer presented</li> <li>Consideration, money or something of interest being exchanged between the parties</li> <li>Capacity of the parties in terms of age and mental ability</li> <li>The intent of both parties to carry out their promise</li> <li>Legally enforceable terms and conditions, also called object of the contract</li> </ol> <p>In other words, a contract is enforceable when both parties agree to something, back the promise up with money or something of value, both are in sound mind and intend carry out their promise and what they promise to do is within the law.</p> <p>Most commonly, a contract is written and signed by the parties.</p> <p>Examples of typical Local Government contracts can include, but are not limited to:</p> <ol style="list-style-type: none"> <li>An employment contract between an organisation and its employees.</li> <li>A service contract with a contractor to undertake works or a specific role.</li> <li>A purchase agreement or purchase order for the supply of goods and services.</li> <li>A lease or tenancy agreement for premises or land.</li> <li>A license to occupy or undertake an activity on Council land/premises.</li> <li>A rental or hire agreement in relation to vehicles or equipment.</li> </ol> <p>An insurance contract for any organisation owned asset or for Public Liability.</p>
Contract Manager Superintendent	<p>A person nominated by the organisation and appropriately trained to manage contract on its behalf</p>
High risk construction work	<p>Construction work that:</p> <ol style="list-style-type: none"> <li>Involves a risk of a person falling more than 3 metres; or</li> <li>Is carried out on a telecommunication tower; or</li> <li>Involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or</li> <li>Involves, or is likely to involve, the disturbance of asbestos; or</li> <li>Involves structural alterations or repairs that require temporary support to prevent collapse; or</li> <li>Is carried out in or near a confined space; or</li> </ol>



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	<p>(g) Is carried out in or near—</p> <ul style="list-style-type: none"> <li>i. A shaft or trench with an excavated depth greater than 1.5 metres; or</li> <li>ii. A tunnel; or</li> </ul> <p>(h) Involves the use of explosives; or</p> <p>(i) Is carried out on or near pressurised gas distribution mains or piping; or</p> <p>(j) Is carried out on or near chemical, fuel or refrigerant lines; or</p> <p>(k) Is carried out on or near energised electrical installations or services; or</p> <p>(l) Is carried out in an area that may have a contaminated or flammable atmosphere or</p> <p>(m) Involves tilt-up or precast concrete; or</p> <p>(n) Is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians; or</p> <p>(o) Is carried out in an area at a workplace in which there is any movement of powered mobile plant; or</p> <p>(p) Is carried out in an area in which there are artificial extremes of temperature; or</p> <p>(q) Is carried out in or near water or other liquid that involves a risk of drowning; or</p> <p>(r) Involves diving work.</p> <p>[as defined by the WHS Regulations (SA) 2012, Regulation 291]</p>
<b>Job Safety Analysis (JSA)</b>	A document which records the risks associated with an activity and the controls to be followed to complete the activity safely
<b>Monitoring</b>	Process of reviewing the activities undertaken to ensure they are being conducted safely and in accordance with documented requirements
<b>Person with management or control of a workplace</b>	<p>1) Means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace but does not include—</p> <ul style="list-style-type: none"> <li>(a) the occupier of a residence, unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking; or</li> <li>(b) a prescribed person.</li> </ul> <p>(2) The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p> <p>[as defined by the WHS Act, Section 20]</p>
<b>Contractor Panel</b>	<p>A list of contractors who have:</p> <ul style="list-style-type: none"> <li>(a) demonstrated their ability to work within the requirements of the Work Health and Safety Act and Regulations, Approved Codes of Practice and relevant legislation and industry standards; and</li> <li>(b) been assessed as having the necessary experience and skill to perform the contract work safely</li> </ul>
<b>Principal contractor</b>	<p>The PCBU that commissions a construction project is the principal contractor, unless the person appoints another person conducting a business or undertaking to be the principal contractor and authorises such person to have management or control of the workplace and discharge the duties of the principal contractor</p> <p>[as defined in the Work Health and Safety Regulations 2012, Regulation 293 and explained in the Code of Practice Construction Work, June 2020]</p>
<b>ReturntoWorkSA</b>	Previously known as WorkCover SA.
<b>Safe Work Method Statement (SWMS)</b>	<p>A document required for high risk construction work that will:</p> <ul style="list-style-type: none"> <li>(a) Identify the work that is high risk construction work;</li> <li>(b) Specify hazards relating to the high risk construction work and risks to health and safety associated with those hazards;</li> </ul>

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	<p>(c) Describe the measures to be implemented to control the risks; and</p> <p>(d) Describe how the control measures are to be implemented, monitored and reviewed</p> <p>[As defined in the WHS Regulations (SA) 2012, Regulation 299]</p>
WHS Management Plan	<p>A document which records the significant prescribed information relating to WHS for a construction project</p> <p>[As required and prescribed by the WHS Regulations (SA) 2012, Chapter 6, Part 4]</p>
Worker	<p>A person is a worker if the person carries out work in any capacity for a PCBU, including work as—</p> <ul style="list-style-type: none"> <li>(a) An employee; or</li> <li>(b) A contractor or subcontractor; or</li> <li>(c) An employee of a contractor or subcontractor; or</li> <li>(d) An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</li> <li>(e) An outworker; or</li> <li>(f) An apprentice or trainee; or</li> <li>(g) A student gaining work experience; or</li> <li>(h) A volunteer; or</li> <li>(i) A person of a prescribed class.</li> </ul> <p>[As defined in the WHS Act (SA) 2012, Section 7].</p>

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## 4. Procedure

### 4.1. Managing contracts

4.1.1. The following DCP staff have been appointed with the responsibility to:

- (a) Maintain the Council's Contractor Panel : a designated Customer Service Officer (CSO); This person is referred to (within this Procedure) as the Contractor Panel Administrator and
- (b) Manage and oversee the Council's Contractor Panel: the Infrastructure and Operations Manager; and
- (c) Manage and oversee contracts for buildings, parks and gardens within the townships : the Property & Regulatory Services Coordinator ; and
- (d) Manage and oversee contracts for roads and works outside of townships: Infrastructure and Operations Supervisor.

4.1.2. The Contractor Panel Administrator will maintain and update the Contractor Panel in accordance with section 4.2 of this procedure and Council's Procurement Procedure.

4.1.3. The Contract Manager will:

- (a) Prior to engaging contractors, review the required work (and consult with the Risk/ WHS Coordinator ) and provide any pertinent hazard information relating to circumstances of the proposed work that the organisation is aware of (such as the presence of hazardous substances at the worksite, difficulties in accessing the worksite, etc.) to the contractor for consideration in their submission (refer Contractor Management Hazard Identification Form );
- (b) Integrate the WHS contractor management requirements into the organisation's procurement processes for the selection and engagement of contractors;
- (c) Make sure that contractual documentation is in place and specifies:
  - i. Which party is the principal contractor (if relevant) when construction work is being undertaken;
  - ii. Which party has management or control of the workplace;
  - iii. The requirement to notify the Contract Manager or other nominated Council person as soon as practicable if an incident occurs whilst contractors are undertaking contracted work; and
  - iv. The person/role responsible for the statutory reporting and management of a notifiable incident.
- (d) When engaging contractors, obtain a risk assessment for the task(s) obtain or activities being undertaken. In addition, when the work involving construction work obtain the following documentation, dependent on project value and type:

Project value / type	Requirements
Less than \$450,000	Risk assessment / JSA
High risk construction work (less than \$450,000)	SWMS
High risk construction work (\$450,000 or more – is <b>construction project</b> )	SWMS + WHS Management Plan

**Note:** Refer to the LGAWCS Model WHS Construction Activities Guidance Checklist if construction work is being undertaken, to complete an assessment to determine which category the work fits into and what the specific requirements for each category are.

### 4.2. Contractor Panel

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- 4.2.1. Inclusion on the Contractor Panel will be contingent on the contractor providing the following information together with a Contractor Registration form:
- (a) Core information, which includes, as a minimum, the following:
    - i. A Certificate of Currency for Public Liability Insurance;
    - ii. Evidence of current Return to Work SA registration (if applicable);
    - iii. Identification of a person within the organisation responsible for WHS;
    - iv. Copy of current relevant licences (including drivers licence) and certifications;
    - v. Statement of agreement to work within the remit of any and all appropriate WHS requirements;
    - vi. Evidence of WHS Policies and Procedures that comply with legislative requirements and the organisation's minimum WHS standards; and
    - vii. Appropriate documentation that demonstrates that the hazards relating to the activities covered by the contractor have been identified, assessed and controlled (refer 4.1.3(d) and that any other specific legislative requirements are being met for the work being undertaken e.g. SWMS for high risk construction work, WHS Management Plan, confined space risk assessments, asbestos removal documentation, etc.
  - (b) Additional information that is required based on the level of risk and the task or activity to be undertaken, which may include:
    - i. Summary of WHS policies, procedures and instructions e.g. WHS Management System;
    - ii. Sample(s) of Risk Assessments, Safe Operating Procedures/Safe Work Instructions relevant to the task;
    - iii. Incident reporting and investigation process, including a sample of an incident report form;
    - iv. Licence and training records, including an explanation of how the required licences are obtained and kept current;
    - v. Emergency response procedures and/or management plans; and
    - vi. Evidence of meeting any other reasonable requirements that the Council deems appropriate.
- 4.2.2. Once the contractor has submitted the information (in accordance with 4.2.1 above) the Infrastructure and Operations Manager and the Contractor Panel Administrator will as needed review and assess their WHS information to ascertain whether the contractor meets the Council's minimum standards.
- (a) The Risk/ WHS Coordinator and/or the appropriate Contract Manager will be consulted on any detail of the technical aspects of the work that need clarification, including appropriateness of the risk assessment, JSA, SWMS or WHS Management Plan. The assessment will be documented, authorised, a copy placed on the project file and an entry made in the Contractor Panel .
  - (b) Should additional information or clarification be required, the contractor will be advised of such and that they cannot be added to the Preferred/Approved Contractor Panel until it has been provided.
  - (c) Should the contractor not have appropriate systems or documentation in place, the organisation may assist them in understanding the requirements for an appropriate WHS Management System, and refer the contractor to further sources of assistance such as SafeWork SA or industry bodies. The contractor will not be used unless appropriate safety processes and documentation is in place.
- 4.2.3. Monitoring and reporting on the Contractor Panel

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The Risk/ WHS Coordinator will regularly review the Contractor Panel to confirm and report to the Health and Safety Committee (HSC) and Senior Leadership Team (SLT) if the contractor/s engaged by the Council's Contract Manager are listed in the Contractor Panel and have:

- (a) Current Public Liability Insurance (\$20,000,000), vehicle/ mobile plant insurance, and
- (b) Current licences, tickets and qualifications relative to the task/ s and services being provided.

#### 4.2.4 Maintenance of the Contractor Panel

The Contractor Panel Administrator will regularly (at least once a month) review the Contractor Panel and:

- (a) Any changes to the information provided by contractors in accordance with clause 4.2.1 and 4.2.2 above is updated in the Council's records;
- (b) Managers are consulted annually regarding the contractors they want to have on the Council's Contractor Panel; . The identified contractors are:
  - i) Added and/ or retained on the Council's Contractor Panel .
  - ii) Contacted and requested to provide current insurance, registration and licences annually, or more frequently, as otherwise requested by the organisation, and complete a Contractor registration Form (new contractors only).
- (c) The contractor's performance is monitored and recorded and taken into consideration prior to renewal of their registration on the Contractor Panel **NOTE:** A contractor whose performance consistently fails to meet the Council's minimum WHS standards and does not satisfactorily address any issues will be removed from the Contractor Panel .

#### 4.3. Contractor engagement

- 4.3.1. If the Council identifies the need for a contractor to be engaged, the Contract Manager will identify appropriate contractors from the Contractor Panel .
- 4.3.2. Wherever possible, a contractor from the Contractor Panel will be engaged in line with the organisation's Procurement policy.
- 4.3.3. Prior to engaging a contractor, the Contract Manager will:
  - (a) Check that all insurances, registrations and licences are current;
  - (b) Determine what further information might be required to be provided to the contractor (for example see 4.1.3 ; 4.2.1 and 4.2.2) to assist with the provision of risk assessments, JSA's, SWMS, WHS Management Plan or any other aspect e.g. the tendering process;
  - (c) Determine what further information might be required in order to demonstrate the contractor's competency for the work, which was not provided or assessed as part of the Contractor Panel registration process.
  - (d) Determine whether additional (non-standard) contract provisions are required when drafting the agreement between the organisation and the contractor for the works.
- 4.3.4. Sub-Contractors
  - (a) Contractors who use sub-contractors will ensure that those sub-contractors have and follow safe systems equivalent to those required by the organisation, (as a minimum) and/or the contractor (where their standards are higher than the organisation's).
  - (b) In agreeing to the use of sub-contractors, the Contract Manager will confirm that the contractor has adequate processes in place to select, induct and supervise their sub-contractors.



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- (c) The Contract Manager will apply the same standards to the management of sub-contractors as is applied to contractors, but will also make sure that the contractor is informed of any relevant communication and consultation provided directly to their sub-contractor(s) and workers.

#### 4.4. Use of contractors not on the Contractor Panel

##### 4.4.1. A contractor not on the Contractor Panel may only be engaged in a situation where:

- (a) There is an immediate requirement for the service or an immediate risk to the work health and safety of workers; and
- (b) Contractors on the Contractor Panel with the appropriate expertise are not available to perform the work within the time frames required; or
- (c) There are no contractors on the Contractor Panel for the type of work; and
- (d) Time does not permit the full completion of the approval process for the contractor.

##### 4.4.2. In these cases, the Contract Manager may engage a contractor not on the Contractor Panel but will:

- (a) Confirm that the contractor provides evidence of current insurances, registrations and relevant licences, training or experience;
- (b) Make sure the contractor is made aware of the organisation's WHS expectations; and
- (c) Obtain authorisation from the Infrastructure and Operations Manager.

#### 4.5. Engaging contractors to conduct the work

##### 4.5.1. The Contract Manager/ will complete the documentation as outlined in sections 4.5.2–4.6.1 or equivalent for all contracts.

##### 4.5.2. Selection

- (a) On selection of an appropriate contractor to undertake contract work, Sections 1, 2 and 3 of the Contract Overview document or equivalent localised document/ tool will be completed to record the details of the contract and the contractor.
- (b) The Contract Manager will manage the contracted work on behalf of the Council, including documenting all planning and communications in relation to consultation, cooperation and coordination of work activities, in accordance with the Council's Consultation and Communication Procedure.

##### 4.5.3. General Induction

- (a) At the commencement of the contract, the Contract Manager will ensure that the contractor is inducted before the work commences by:
  - i. Communicating any requirements as specified in the contract documentation;
  - ii. Communicating the organisation's WHS Policies and Procedures that may be relevant to the contract or relevant to carrying out the works;
  - iii. Recording the induction by completing the Contractor Induction Checklist; and
  - iv. Recording and communicating the known hazards pertaining to the contract using the Contractor Management Hazard Identification for.
- (b) Once inducted, the contractor is required to:
  - i. Complete and provide any work/site specific hazard management documentation e.g. risk assessment, JSA, SWMS or WHS Management Plan (Refer 4.1.3(d));

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- ii. Communicate the induction information as well as the details of risk assessments, JSA, SWMS or WHS Management Plan to its employees, sub-contractors and other affected workers.
- iii. Keep and maintain records of inductions, training, risk assessments, JSA, SWMS and WHS Management Plan provided to its employees, subcontractors or other workers, and will provide copies of these to the organisation as required.

#### 4.5.4. Site Induction

- (a) Wherever reasonably practicable, a site induction will be undertaken to confirm the contractor and workers are aware of any site specific hazards identified by the organisation.
- (b) If it is not reasonably practicable to undertake a site induction, the Contract Manager /Superintendent will require the contractor to conduct and document a hazard identification and risk assessment, JSA or SWMS, and where relevant a WHS Management Plan before work commences and take steps to check that this has been done.
- (c) Information communicated by the organisation through the induction does not relieve the contractor from any legislative and statutory obligations for WHS or any other matter.

#### 4.6. Contractor monitoring and evaluation

4.6.1. During the course of the contract, based on the level of risk of the activities being undertaken by the contractor, the organisation's Contract Manager will:

- (a) Develop a monitoring/inspection regime, based on the complexities and risks identified in the course of the initial risk assessment;
- (b) Monitor the contractors performance:
  - i. In line with the developed monitoring/inspection regime; and
  - ii. Against the risk assessment, JSA, SWMS and/ or WHS Management Plan provided by the contractor; or
  - iii. By using the Contractor Monitoring checklist to monitor identified hazards, check that agreed controls are being implemented and corrective actions identified, communicated and closed out;
- (c) Interrupt the work if the organisation's approved health and safety standards are breached or the work is not being conducted in accordance with the supplied risk assessment, JSA, SWMS or WHS Management Plan (where applicable);
- (d) Verify that corrective actions identified have been effectively closed out within the designated timeframes;
- (e) Evaluate and document the contractor's performance:
  - i. Using the Contractor Monitoring checklist;
  - ii. Then forward it to the Contract Manager and Risk/ WHS Coordinator for noting in the Contractor Panel and entry into the Council's records management system.
- (f) Corrective actions may be included in the Council's Corrective and Preventative Action register to provide data analysis capabilities with regard to contractor management issues and trends Incidents during contractor activities.

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4.6.2. If an injury or incident occurs during contracted work, the person/s involved should, if safe to do so, take whatever steps are necessary to control the hazard and seek first aid or emergency assistance. This may include following the control measures documented in the Council's or the contractor's emergency plan.

4.6.3. Where the Council has control of the workplace:

- (a) The Incident Reporting and Investigation procedure will be complied with, including the requirement that the site where the incident occurred is not disturbed until the Regulator arrives at the site or any earlier time that the Regulator directs;
- (b) The Contract Manager will contact the Risk/ WHS Coordinator as soon as practicable after being notified of the incident, who will ascertain whether statutory reporting is required, or provide further direction and assistance; and
- (c) If the contractual requirements specify that the contractor is to report notifiable incidents to the Regulator(s), the Contract Manager will seek evidence from the contractor of the confirmation of notification given to the Regulator, including Notification ID Number.

4.6.4. Where a Principal Contractor (or other PCBU) has control of the workplace:

- (a) The Principal Contractor (or other PCBU) will notify the Contract Manager of the injury or incident and the immediate control measures put in place by the Principal Contractor (or other PCBU) to prevent further harm or damage as soon as reasonably practicable;
- (b) If the injury is notifiable, the Contract Manager will seek evidence from the contractor of the confirmation of notification given to the Regulator and the Regulator Incident Notification Number.

#### 4.7. System monitoring and evaluation

4.7.1. Infrastructure and Operations Manager will regularly review:

- (a) The Contractor Panel to ensure it remains accurate and up-to-date and provide direction on necessary updates as required;
- (b) Contractor files to monitor and verify that required information has been supplied and retained; and
- (c) Contract Manager's skills and knowledge to make sure that the organisation and its contractors are meeting legislative compliance and contractual obligations.

4.7.2. The Senior Leadership Team will:

- (a) Review hazard incident statistics, audit results, legislative changes and other information relating to the contractor management process and direct action when required. Minutes should record outcomes of discussions and actions undertaken;
- (b) Include the WHS Contractor Management Procedure as part of the ongoing management review process and respond to findings of internal audit as relevant;
- (c) Set, monitor and review objectives, targets and performance indicators for any program related to contractor activities as relevant.

## 5. Training

5.1. The Council's training needs analysis (TNA) will identify the training needs for those persons required to:

- 5.1.1. Undertake a role of Contract Manager or Contractor Panel Administrator;
- 5.1.2. Use or interact with the contract management process, as per their job role;
- 5.1.3. Use or apply the Council's procurement process;

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- 5.1.4. Manage construction work including use of the LGAWCS model WHS Construction Activities Guidance Checklist or equivalent construction guidance tools;
- 5.1.5. Review and/ or manage the Contractor Panel; or
- 5.1.6. Undertake any other responsibilities related to contractor management.
- 5.2. The training identified on the Council's TNA should be planned and delivered in accordance with the WHS Training and Induction Procedure.
- 5.3. Contractors will undertake a general induction and, where reasonably practicable, a site induction.

## 6. Records

The following records will be maintained:

- 6.1. Contractor Panel ;
- 6.2. Contractual arrangements including:
  - 6.2.1. Proof of appropriate Public Liability Insurance Cover;
  - 6.2.2. Proof of current ReturntoWork SA registration (if applicable);
  - 6.2.3. Identification of contractor personnel responsible for Work Health and Safety;
  - 6.2.4. Copy of current relevant licences and certifications; and
  - 6.2.5. Statement of agreement to work within the remit of appropriate WHS requirements or provision of evidence as part of the work tendering process to meet compliance with relevant legislative requirements for the work being undertaken.
- 6.3. JSA(s), Risk Assessment(s), SWMS(s) and WHS Management Plan (where relevant) for the activities covered by the contractor;
- 6.4. Any additional information requested at 4.2.1(b);
- 6.5. Training records;
- 6.6. Communication, consultation, coordination and cooperation records between duty holders;
- 6.7. Any other records relating to legislative compliance; and
- 6.8. Statutory notifications.

Copies may be retained by other parties, but must be marked "copy". All original records will be managed in line with the current version of General Disposal Schedule 40 for Local Government.

## 7. Accountabilities & Responsibilities

- 7.1. The Senior Leadership Team is accountable for:
  - 7.1.1. Monitoring compliance to the Council's legislative responsibilities for contractor management;
  - 7.1.2. Budgetary expenditure for contractor management;
  - 7.1.3. Setting objectives, targets and performance indicators for any contractor management program, as relevant;
  - 7.1.4. Checking that there is a system for providing managers and supervisors with training which enables them to:
    - (a) Apply the requirements of the Contractor Management Procedure to the areas and activities under their control;
    - (b) Apply the requirements of the Council's Procurement Policy and related procedures, as relevant;
    - (c) Provide adequate training and supervision to the persons under their control;



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- 7.1.5. Ensuring that managers and supervisors are provided with and attend contractor management training;
  - 7.1.6. Consulting with other PCBU's, so far as is reasonably practicable, if their duty of care overlaps;
  - 7.1.7. Checking, so far as is reasonably practicable, that reasonably foreseeable hazards are identified, assessed and controlled when elimination is not practicable;
  - 7.1.8. Monitoring the Hazard/ Risk/ Corrective and Preventative Action Register and enforcing close out of items as required;
  - 7.1.9. Reviewing the effectiveness of contractor management processes; and
  - 7.1.10. Including contractor management within the management review process.
- 7.2. The Infrastructure and Operations Manager is accountable for:
- 7.2.1. Managing the Contractor Panel; and
  - 7.2.2. Supervising the Contractor Panel Administrator; and
  - 7.2.3. Being aware of (and where relevant documenting) the Council's procurement processes and contractual requirements; and
  - 7.2.4. Reviewing and assessing contractor's WHS information (in consultation with the Contract Manager and Risk / WHS Coordinator, as required,) to ascertain whether the contractor meets the organisation's minimum WHS standards
  - 7.2.5. Checking that the Contractor Panel is being maintained and, if not, taking necessary corrective action;
  - 7.2.6. Appointing Contract Manager to manage or oversee contracted work;
  - 7.2.7. Providing the Contract Manager , Risk/ WHS Coordinator and other workers involved with the contractor management process with necessary information, instruction, training and supervision to apply the Council's Contractor Management Procedure;
  - 7.2.8. Checking that the Contractor Management Procedures is being complied with and, if not, taking necessary corrective action;
  - 7.2.9. Reviewing contractor files to monitor and verify that required information has been supplied and retained; and
  - 7.2.10. Authorising contractors who are not currently on the Contractor Panel .
- 7.3. The Contract Manager is accountable for:
- 7.3.1. Complying with the Council's contractor management and procurement processes;
  - 7.3.2. Utilising the Contractor Panel , where possible, and checking that all information is current and relevant to the contracted work;
  - 7.3.3. Implementing the WHS Contractor Management – Selection, Induction and Monitoring process (or equivalent);
  - 7.3.4. Implementing, maintaining and monitoring the WHS Contractor Management process;
  - 7.3.5. Supporting and assisting in the development and maintenance of the Contractor Panel ;
  - 7.3.6. Communicating and consulting with shared duty holders and workers involved in the contract and documenting this;
  - 7.3.7. Making sure PCBU's have been given any information the organisation has in relation to hazards and risks at or in the vicinity of the workplace where the work is to be carried out as part of the selection and engagement process;

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- 7.3.8. Reviewing and assessing the suitability of contractor WHS and hazard management systems (in consultation with the Risk/ WHS Coordinator as required);
  - 7.3.9. Developing a documented monitoring and inspection regime to assess contractor's performance and confirming that any corrective actions identified are communicated and closed out within specified timeframes;
  - 7.3.10. Obtaining and retaining required WHS documentation relating to the contract;
  - 7.3.11. Making sure contractual documentation specifies which party is the principal contractor and has control or management of the workplace (as required);
  - 7.3.12. Providing contractors with a general induction and, where reasonably practicable, a site induction; and
  - 7.3.13. Making sure incidents that occur during contracted works are reported and investigated appropriately (including verifying that mandatory notifications have occurred, if applicable)
- 7.4. The Contractor Panel Administrator is accountable for:
- 7.4.1. Maintaining and updating the Contractor Panel, including the currency of information at least once a month.
- 7.5. The Risk/ WHS Coordinator is accountable for:
- 7.5.1. Participating, as required, in reviewing and assessing contractor's WHS information (in consultation with the Infrastructure and Operations Manager and Contract Manager, and Contractor Panel Administrator) to ascertain whether the contractor meets the Council's minimum WHS standards
  - 7.5.2. Facilitating the training of workers with responsibilities related to contractor management and updating the Training Register;
  - 7.5.3. Undertaking statutory reporting, in consultation with the CEO, when required;
  - 7.5.4. Making sure the LGAWCS has been notified when any statutory reporting has occurred;
  - 7.5.5. Maintaining legislative currency of procedures and systems in relation to contractor management; and
  - 7.5.6. Initiating audit and review activities as required by the Council's Internal Audit schedule.
- 7.6. Workers are accountable for:
- 7.6.1. Reporting work methods of contractors that place people and property at risk to the Contract Manager or their line manager;
  - 7.6.2. Reporting incidents resulting from work carried out by contractors involving them in accordance with the Incident Reporting & Investigation procedure;
  - 7.6.3. Seeking assistance to manage identified hazards as required.
- 7.7. The HSC is accountable for:
- 7.7.1. Facilitating consultation between relevant workers and the Senior Leadership Team in matters relating to contractor management; and
  - 7.7.2. Monitoring the Hazard/ Risk/ Corrective and Preventative Action Register and referring issues that require management direction or enforcement to the Senior Leadership Team.
- 7.8. Health and safety representatives may:
- 7.8.1. Facilitate consultation between management and workers in relation to any contractor management issue that affects the workgroup they represent; and

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- 7.8.2. Request and assist in the review and revision, where necessary, of risk control measures related to the management of contractors.

## 8. Review

- 8.1. The Contractor Management Procedure will be reviewed by the Senior Leadership Team, in consultation with workers or their representatives, every four (4) years or more frequently if legislation or organisational needs change. This may include a review of:
- 8.1.1. Feedback from managers, workers, HSRs, HSC, contractors or other relevant stakeholders;
  - 8.1.2. Legislative compliance;
  - 8.1.3. Performance Standards for Self-Insurers;
  - 8.1.4. Internal or external audit findings;
  - 8.1.5. Incident and hazard reports, claims costs and trends ; and
  - 8.1.6. Other relevant information.
- 8.2. Results of reviews may result in preventative and/or corrective actions being implemented or revision of this document.

## 9. References

Work Health and Safety Act (SA) 2012  
 Work Health and Safety Regulations (SA) 2012  
 General Disposal Schedule 40 for Local Government  
 ReturnToWork SA's Performance Standards for Self-Insurers  
 Code of Practice: How to Manage Work Health and Safety Risks, June 2020  
 Code of Practice: Work Health & Safety Consultation, Cooperation & Coordination, June 2020  
 Code of Practice: Construction Work, June 2020

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## 10. Document Review History

Document History:	Version No:	Issue Date:	Description of Change:
DCP	1.0	Oct 2008	New Document, October 2008
	2.0	1/08/2011	Inclusion of Core Components; flowchart; and modified instructions for Section 4, Document format altered.
	3.0	02/8/2013	Changes in terminology and definitions due to changes in WHS legislation and Codes of Practice. Additional engaging contractor requirements and processes of 'construction work', contractor inductions and SWMS.
	4.0	24/9/2016	Updated language and formatting. Procedure objectives separated from core components. Add definitions for construction work and Preferred Contractor Register; construction project. Updated modifications to Section 4 as per LGSWCS document.
	5.0	22/7/2020	Modifications to document as per LGSWCS document V 5 & V5.1 Separation of Contractor forms from this Procedure.
	5.1	09/8/2021	Updated Codes of Practice to June 2020, changed SMT to SLT, changed Works Manager to Infrastructure and Operations Manager. Changed document review time frame to 4 years.
	5.2	16/03/2023	Preferred/ Approved Contractor Register & Contractor Register updated to Contractor Panel, Property & Regulatory Services Coordinator responsible for management of contractors performing building maintenance/ upgrade and Parks & Gardens work.. I&O Supervisor responsible for management of contractors performing construction, CWMS and road works.