

INTRODUCTION

With WHS harmonisation placing a greater focus on all persons doing work for businesses, there has been heightened discussion on what this means for contractors – people your business engages to do work on your behalf. As a business, you have always had responsibilities for managing contractors in your workplace. In this edition of *Building a Safe Workplace Together*, we hope to provide you with some tips to make future engagement and management easier.

Along with supporting you work with your contractors, this edition will provide you with clarity on the purpose and requirement for a SWMS, JSA, SOP, SWP and TRA – advice we are requested to provide often.

With our next newsletter to be issued January 2014, on behalf of all the Action OHS Consulting family, we wish you and your workplace a happy and safe festive season.

OVERVIEW

- What have we been up to lately?
- Contractor Engagement and Management
- Don't only rely on the regulator to declare a safe working environment
- SWMS, JSA SOP, SWP, TRA – What is what? HELP!
- Training – Knowledge of Results
- The Social Experience
- OHS Software
- Legislative and Harmonisation Update

WHAT HAVE WE BEEN UP TO LATELY?

- Commissioning of our [Online Module: Safe Workstation Setup](#). Follow the link to our Demo. Complete Stage 2 to see the real genius behind this module - importantly let us know your thoughts!
 - o Username: ErgoDemoActionOHS
 - o Password: Demo (September 2013 only)
- We presented a fun and engaging manual handling training workshop in front of 180 store managers at a client's annual road show! Nice way to place a focus on safety.



CONTRACTOR ENGAGEMENT & MANAGEMENT

OHS and WHS laws protect all persons engaged in work activities against the exposure of risks to their health and safety. While businesses we speak with accept that they have to take reasonable steps to ensure the safety of both employees and contractors; many are uncertain about how they do this in relation to contractors. Below is a list of actions that you are encouraged to consider before and during your engagement of contractors.

Contractor Engagement

Before you engage a contractor, do you:

1. Have evidence that the contractor and its workers are qualified to complete the work required? Do you request copies of licences or qualifications, review past experiences, etc.?
2. Have evidence that the contractor is a legal entity and/or appropriately insured. Consider:
 - a. Public Liability and Professional Indemnity.
 - b. Workers Compensation Insurance.
3. Understand how the contractor will manage hazards and do you advise the contractor of foreseeable hazards that may impact the work required of them? Consider verifying SWMSs or JSAs.
4. Ensure OHS responsibilities are clear and agreed on. For example how:
 - a. Supervision will be delivered.
 - b. A workplace incident will be managed.
 - c. Ongoing OHS consultation will occur.

Contractor Management

Once the contract has been awarded, do you:

1. Ensure all of the contractor's employees are inducted into your business/projects OHS expectations?
2. Supervise contractor performance? Contractor oversight and supervision will ensure that the OHS controls agreed to in the engagement phase are being adhered to. Consider ad hoc reviews of SWMS or JSA.
3. Ensure insurances and training is maintained.

Avoid the temptation to explicitly direct the contractor about how they should perform their work. Your diligence in the Contractor Engagement phase ensured their expertise. By all means manage the work and ask questions; then let the contractor manage the hazards.

Are you a small or medium business
with less than 200 employees?

Are you eligible for a FREE Government
funded safety consultation?

Not sure? [Contact Us](#)

WHAT'S NEW?

- Action OHS Consulting has an [Online Training Module: Contractor Induction](#) to support you in getting your contractors inducted off-site and before the job starts.
- Our [OHS Software](#) has a [Contractor/Supplier Module](#) that allows your contractors to update their business and employee details, report hazards or incidents, etc. – creating administrative efficiencies across your business.

DON'T ONLY RELY ON THE REGULATOR TO DECLARE A SAFE WORK ENVIRONMENT

Often, when visiting a work site and sighting a potential hazard, our clients will inform us that the regulator (e.g. WorkSafe VIC, WorkCover NSW, Workplace Standards TAS, etc.) has visited the site and not issued any improvement notices, implying the workplace is safe as is. A recent case has verified [this is insufficient evidence](#) to declare an area, machine or task as safe.

In the ACT a case ruling (*Gerald Brennan v Capital Weed Control Pty Ltd AND Anor, 2013*) has shown that companies cannot rely on the words of an official or authority representative that the area, job, tools or equipment are safe. It is the employer's duty of care to ensure the safety of workers and this cannot be delegated to others. At all times it remains the employer's duty to take precautions to ensure workplace safety, such as doing checks, even if a regulatory official has visited and confirmed that the area appears appropriate to work in.

It is important to remember that an official's role is typically an informal inspection, and does not include the ability to make decisions on your business functions or declare areas safe – that duty will always remain with you, the employer.

SWMS, JSA, SOP, SWP, TRA – WHAT IS WHAT? HELP!

We often get asked for the difference between a Safe Work Method Statement (SWMS), Job Safety Analysis (JSA), Safe Work Procedure/Practice (SWP), Safe Operating Procedure/Practice (SOP) or Task Risk Assessment (TRA). Put simply; each of these tools is inherently the same. A SWMS, JSA, SOP, SWP or TRA is a risk assessment of the activity to be completed.

The main variation between SWMS, JSA, SOP, SWP or TRA arises from the terminology. Whilst the term JSA has been used in industry for decades, the term SWMS has gained common usage following the introduction of the term in the Victorian OHS Regulations 2007 and the harmonised WHS Regulations since 2011. Throughout the rest of this article, the term JSA will be used to group JSAs, SOPs, SWPs and TRAs.

Practically, the SWMS and JSA document each step of an activity that is to be carried out, and includes the identification and management (i.e. control and review) of foreseeable hazards associated with each step of the activity. This can be different to a risk assessment, as typically a risk assessment looks statically and specifically at an item of plant, or a chemical, rather than the activity.

What is the legal requirement to complete a SWMS?

The Victorian [Occupational Health and Safety Regulations 2007](#)

and the harmonised Work Health and Safety Regulations define that a SWMS must be prepared before the commencement of high risk construction work. A list of activities that constitute high risk construction work can be found following these links:

- [Harmonised Legislation](#)
- [Victoria](#)

Additionally, the Work Health and Safety Regulations places an additional requirement for a SWMS to be prepared for electrical work on energised equipment.

The prepared SWMS should include the following details:

1. The activity to be completed. Assemble those involved with the task and, as a group, break the task into basic steps. Stages of the task may include, for example; start machine, load machine, clear blockage, unload etc.
2. Identify the hazards for each stage of the activity.
3. Describe the control measures identified to manage the hazards. This is to include details at each stage of the activity. For example: equipment or training required, signage, PPE to be worn, etc.
4. Identify a person to be responsible.

The SWMS must be easy to understand and readily accessible at the place where the high risk construction works is taking place. It is to be subjected to ongoing review to ensure that it remains current for the activity. Reviews can be triggered by changes in the work, defined timeframes, or an incident.

If a JSA is not a legal requirement, why complete one?

Whilst we are not aware of any references to completing a SWMS outside of high risk construction; a JSA does have a place in the ongoing management of health and safety risks as an administrative control. Prepared similarly to the SWMS, a JSA will ensure all workers understand their role and how the hazards associated with the activity will be managed. Clear communication will lead to a reduction in workplace accidents, incidents and near misses.

Use of Generic Tools?

The SWMS or JSA should always reflect the actual task and risks of the work being performed. Generic SWMS can be attractive as a guide BUT you should establish a process to ensure that these are modified in consultation with those involved, to properly reflect your unique circumstances.

Free Template

Take a look at our [OHS Tool Box](#) for the free SWMS and JSA Templates. These templates are in an unlocked Microsoft Word format ready for you to prepare and use in your workplace.

Christmas is not too far away.

Have you started planning for the rush?

Refer to our September 2012 newsletter for some simple hints and tips.



TRAINING – KNOWLEDGE OF RESULTS

The acquisition of motor skills is not only fundamental to human life; it allows your workplace to function. The ability of a worker to acquire, with practice or experience, the proficiency to execute coordinated motor actions enables a workplace to operate safely.

One of the most critical learning variables, aside from practice itself, is feedback to the worker. One form of such feedback, termed “knowledge of results” (KR), is the information about task success provided to the worker by someone/something external to them. This information serves as a basis for error correction on the next trial and thus can be used to achieve more effective performance as practice continues.

From a training perspective, how is feedback provided to your workers during a training session? If a skill is to be acquired, do you simply present the information that they require and leave them to work the rest out, or do you provide feedback to them in the initial stages to support them with this error correction, thus speeding up their learning experience?

THE SOCIAL EXPERIENCE

Knowing that social networking can support you become more familiar with new and emerging safety trends, we have been working to improve our social media experience.

To help you stay up-to-date with topical health and safety news and events; and for direction to tools that we feel may be useful in your workplace please:

- [Like us on Facebook](#) – to “Like” safety
- [Follow us on Twitter](#) – to “Follow” safety
- [Connect with us on LinkedIn](#) – to “Connect” with safety



OHS SOFTWARE

During June 2013 our OHS Software, Mango, celebrated its 10th Birthday.

As a pioneer of web-based QHSE Management System Software solutions, it is pleasing to know that 10 years on – Mango’s first client continues to embrace the software. During this time Mango has continued to support clients achieve accreditation against AS4801, ISO9001 and ISO14001 on a daily basis.



We know that paper-based management systems are often inefficient, hard and overly-complicated. Our web-based solution is the way forward. Why? It allows Management to address their legislated due-diligence duties, it creates efficiencies to drive productivity, and it takes the guess work out of QHSE. With Mango, you can remove the stigma that QHSE is a burden on your operations. Intrigued? [Contact us for more information.](#)

LEGISLATIVE AND HARMONISATION UPDATE

No changes have been made to the harmonised legislation (Acts and Regulations) status of Australian States and Territories since the May 2013 Newsletter. With the exception of Victoria and Western Australia, the remaining States and Territories are now legislated by the Work Health and Safety legislation.

There have been some updates to the Model Codes of Practice. Safe Work Australia has released the following draft model WHS Code of Practice for comment:

- Managing Risks in Stevedoring is open for [public comment](#) until 27 September 2013; and
- Construction Work is open for [public comment](#) until 3 October 2013.

The following draft model Codes of Practice are currently in the process of being agreed to by the Ministerial Council: *Working in the vicinity of overhead and underground electric lines; Safe design, manufacture, import and supply of plant; Amusement devices; Scaffolds and scaffolding work; Tree trimming and removal work - crane access method; Industrial lift trucks; Formwork and falsework; Managing risks of plant in rural workplaces; Cranes; Managing risks in forestry operation; Managing Cash-in-transit Security Risks; and Traffic Management in Workplaces.*

These drafts and approved model Codes of Practice available [here](#).