

Procedure: Contractor work health and safety

Purpose

This procedure describes how the Australian National University evaluates and monitors contractors' work health and safety for all activities performed at the University. This procedure ensures compliance with *Work Health and Safety Act 2011* (Cth), *Work Health and Safety Regulations 2011* (Cth). This procedure is linked to the Australian National University's Work health and safety policy and is one of the procedures within the WHS Management System.

Definitions

Local area refers to a College, Research School or Service Division of the University.

Contractor a person, organisation, their staff or workers engaged to carry out work for the University.

Contract manager/administrator is the University person(s) who have responsibility for the lifecycle of the procurement and contract process. This can be the same person for both activities or can include a contract manager from the University Procurement and Contracts Office (UPCO) and a contract administrator from the local area.

Contractor's representative is the person named on the University's contract who acts on behalf of the contractor and any other person agreed to by the University's contract manager to undertake the role of the contractor's representative.

Construction project work is any work involving the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure that amounts to \$250,000 or more.

High risk construction work includes all work as defined in the *WHS Regulations 2011* (Cth) *Section 291*:

- a. involves a risk of a person falling more than 2 metres; or
- b. is carried out on a telecommunication tower; or

- c. involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or
- d. involves, or is likely to involve, the disturbance of asbestos; or
- e. involves structural alterations or repairs that require temporary support to prevent collapse; or
- f. is carried out in or near a confined space; or
- g. is carried out in or near: (i) a shaft or trench with an excavated depth greater than 1.5 metres; or (ii) a tunnel;
- h. involves the use of explosives; or
- i. is carried out on or near pressurised gas distribution mains or piping; or
- j. is carried out on or near chemical, fuel or refrigerant lines; or
- k. is carried out on or near energised electrical installations or services; or
- l. is carried out in an area that may have a contaminated or flammable atmosphere; or
- m. involves tilt-up or precast concrete; or
- 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
- o. is carried out in an area at a workplace in which there is any movement of powered mobile plant; or
- p. is carried out in an area in which there are artificial extremes of temperature; or
- q. is carried out in or near water or other liquid that involves a risk of drowning; or
- r. involves diving work.

Principal contractor is the person from the contracting organisation, who has the management control of the construction project/workplace.

Safe Work Method Statement (SWMS) sets out the requirements to carry out the high risk construction work in a safe and healthy manner and in a logical sequence.

WHS management plan defines the contractor's safety management system/s for the project. It reflects the contractor's safety management system and can include; inductions and training, objectives, resources, incident management, emergency preparedness and documentation.

Worker is defined as anyone who carries out work for the University. Workers include staff, volunteers, contractor, students and visitors at the University.

UPCO is the University Procurement and Contracts Office.

Procedure

Scope

1. This procedure applies to all activities associated with managing contractors and their work at the University. This procedure does not cover individual contractors or consultants, engaged to undertake office based work.
2. The key processes described in this procedure include:
 - * contractor evaluation and selection;
 - * WHS tender requirements and contract formation;
 - * contractor WHS hazard assessment and controls (including additional requirements for construction and high risk construction work);
 - * provision of training and induction;
 - * consultation, cooperation and coordination of activities with contractors;
 - * contractor monitoring (during contract work); and
 - * contractor evaluation (at the conclusion of contract work).
3. Contractors must not attend campus if unwell. If they become unwell when on an ANU campus, they shall inform their supervisor and then go home with as little personal interaction with others as possible.

General

4. The University is responsible for the work health and safety of contractors when work is undertaken on ANU premises or on behalf of the University.
5. Contractors working at the University may be:

- * individual contractors/ sole traders (e.g tradespeople or specialist subject matter experts (SME's));
- * service contractors (e.g. cleaning, waste removal and printer maintenance companies)
- * maintenance and construction contractors (e.g. working on construction projects)

6. The WHS requirements and the level of contractor monitoring will vary depending on the type of contractors and the level of risk associated with the work.

Responsibilities

7. Contract managers are responsible for the following:

- * completing contractor pre-qualification reviews during the planning phase of contractor selection;
- * ensuring all appropriate WHS information is included within tendering documentation;
- * conducting WHS hazard assessments to identify and control risks throughout the lifecycle of the proposed contract;
- * developing and ensuring all contractors have an agreement with the ANU;
- * consulting and communicating with relevant stakeholders prior to the commencement of contract and/or project activity; and
- * ensuring a formal contract and contractor evaluation process is undertaken.

8. Contract administrators are responsible for the following:

- * in cooperation with the contract manager conducting WHS hazard assessments to identify and control risks throughout the lifecycle of the proposed contract;
- * ensuring the provision of appropriate inductions, training and any other relevant information to all contractors, relative to the scope and risk of the contract, prior to commencement;
- * consulting and communicating with relevant stakeholders prior to the commencement of contract and/or project activity; and
- * ensuring the overall management and monitoring of the contractor activities and performance, including conducting formal inspections, audits and reviews as a minimum.

9. Contractors are responsible for the following:

- * completing the relevant induction and training as per ANU requirements and relative to the scope and risk of the contract;
- * appointing a safety officer (where required, typically on construction projects and/or large contracts);
- * ensuring the relevant permits, competencies, documentation and/or authority to undertake proposed activities/projects as part of the contractual agreement, are in place.

10. The contractor's safety officer is responsible for:

- * hazard assessment, safe working conditions, safe work practices relating to the contractors work processes and activities; and
- * ensuring that applicable legislative and any additional requirements determined by the University are implemented.

Contractor evaluation and selection

11. The contract manager, in consultation with the representative from the local area requesting the contracted work, will assess the contractor against the relevant WHS requirements for the contractor type as per Table 2. The responsibility for managing the selection and engagement of various types of contractors is outlined in Table 1.

Table 1: Responsibilities for contractor management processes

Contractor Type	Responsibility as contract manager / administrator for engagement and monitoring
Individual contractors/sole traders (e.g. tradespeople or specialist SME's)	Local area
Service contractors (e.g. cleaning companies)	UPCO
Maintenance and construction contractors – minor works (<\$250,000)	Facilities and Services

Maintenance and construction contractors (>\$250,000)	Facilities and Services/ Major Projects
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Table 2: Contractor type WHS requirements

WHS requirement	Applicable to			
	Individual contractors/ sole traders	Service contractors	Maintenance and construction contractors – minor works (<\$250,000)	Maintenance and construction contractors (>\$250,000)
Hazard assessment of activities, materials, plant and equipment	Yes	Yes	Yes	Yes
Training information (such as procedures and Permits to work and or operate)	Yes	Yes	Yes	Yes
Induction program	Yes	Yes	Yes	Yes
Indemnity and liability insurance	Yes	Yes	Yes	Yes
WHS	No	Yes	Yes	Yes

prequalification (to assess management control)				
WHS prequalification (including construction industry induction training)	No	No	Yes (if relevant)	Yes
WHS Management Plan	No	Yes (if taking management control)	Yes (if taking management control)	Yes
WHS Safety Officer appointed	No	Yes (if taking management control)	Yes	Yes
AS4801 Accreditation	No	No	No	Yes
Office of the Federal Safety Commissioner (OFSC) accreditation for contractors entering into a “Head Contract” arrangement	No	No	No	Yes

Safe Work Method Statement (SWMS) (or equivalent) per task	No	No	No	Yes
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Contractor WHS requirements in tenders

12. The contract manager in consultation with the representative from the local area or contract administrator, will ensure the scope of works includes an appropriate WHS context for all contract activities. The WHS context includes:

- * the inherent hazards associated with the work to be undertaken;
- * the inherent hazards associated with the work environment;
- * the University's mandatory requirements, health and safety policies, procedures and practices required of the contractor; and
- * key WHS performance indicators for the contract.

13. The contract manager will at the time of tendering, include a copy of this procedure to the tendering contractor to ensure that the requirements have been considered in the development of the pricing and planning of the contract. The need for the contractor to abide by the conditions of the University requirements for WHS will be stated in the tender documentation.

Contractor WHS hazard identification and controls

14. As early as possible in the procurement process, the contract manager and contract administrator will conduct a WHS hazard assessment to identify and evaluate WHS hazards and controls as per the [WHS Hazard management procedure](#). The key WHS hazards to identify can include, but are not limited to the following:

- * unskilled people;
- * unauthorized access/security;
- * unsafe or high risk plant and equipment (whether free issue or supplied by the contractor);
- * unsafe introduced hazardous materials;

- * impact to the work environment;
- * impacts to normal operating processes such as emergency access/egress and traffic flow; and
- * designs that may not work.

15. The contract manager, local area representative or contract administrator will determine, in consultation with Work Environment Group representatives, if the project is defined as high risk construction work under the *WHS Regulations 2011 (Cth)*.

Construction work

16. For high risk construction work and any construction work greater than \$250,000, the following requirements are to be considered as a minimum:

- * The contract manager and contractor will consult and inform each other of the potential hazards and control measures in place where they have the capacity to influence and control.
- * The contractor is required to document a SWMS or equivalent for the activity which ensures safe systems of work which address both the activity and the work environment, and present this to the University on request.
- * The contractor will supply a documented WHS management plan for project work greater than \$250,000.
- * The contractor is required to have the relevant permits and current licenses in place in accordance with legislative requirements.

Contract Formation

17. The contract manager will ensure that all contractors have an agreement with ANU that, as a minimum, includes the following requirements to manage health and safety:

- * compliance with all statutes, Acts and Regulations and other requirements which relate in any way to the performance of the works;
- * state each party's responsibilities for the degree of control for WHS requirements;
- * if more than one party is involved, how each party will ensure consultation, cooperation and coordination of activities occurs;
- * the contractor will abide by the relevant University's WHS policies and procedures listed in the contract and made available and accessible on the [Policy Library](#); and
- * the provision of evidence of relevant insurances, licenses, qualifications and registrations as per the pre-qualification requirements.

Provision of Induction, Information and training

18. Following the award of the contract, the contract administrator will ensure that the appropriate inductions have occurred for all contractors. Facilities and Services have developed an online [contractor Induction training package](#) for this purpose.

19. For construction contracts, the contract administrator will ensure that general construction induction training is provided to a worker engaged by the person who is to carry out construction work and that this worker holds a general construction induction training card.

20. The contract administrator will verify the contractor is familiar with all WHS requirements relevant to the scope of the contract such as safety procedures, how to access the Workplace incident and hazard reporting system, and the content of the management plan (if in place).

21. The contract administrator will ensure records of the training, inductions, licences and qualifications are kept for the life of the contract.

22. Note visitors are inducted as per the requirements of the WHS Training procedure.

Consultation, cooperation and coordination of contractors

23. The contract manager and contract administrator will inform each stakeholder, prior to commencement of the project/activity, if the activity/area has the capacity to impact on the University's business and/or safety of occupants/workers (e.g. interruption to work activities, changes in emergency evacuation arrangements/access, high risk construction work, or work in a high risk area).

24. The contract administrator and contractor's representative will determine how to coordinate and communicate activities where other parties are also engaged in the work area.

25. The contractor administrator and contractor's representative will determine how they will communicate with regulatory authorities should WHS issues arise during the contract.

26. The local area will ensure where the contractor's work may have a health and safety impact on another local area that the other area is consulted prior to the commencement of work.

Contract administration (contractor monitoring)

27. The contract administrator has responsibility for the overall management and oversight of the contract and contractor. This includes the requirement that there is

effective and ongoing management of contractor WHS performance, including conducting inspections, formal reviews, audits and the provision of feedback.

28. Scheduled monitoring activities will be undertaken as per the frequencies defined within the contractual arrangement.

29. The University has the right to audit contractor compliance with the *WHS Regulations* and the contract.

30. Where the contractor is required to appoint a safety officer, the contractor's safety officer will be responsible for hazard assessment, safe working conditions, safe work practices and will ensure that the applicable legislation as well as additional requirements determined by the University are prepared, authorised by the contract administrator and monitored for compliance. If a safety officer is not required, the contractor's representative will undertake the activities of the safety officer.

31. The identity of the contractor's safety officer will be notified to the contract administrator prior to the contractor commencing work at the University.

32. The contractor's representative/safety officer is required to ensure that a documented SWMS or equivalent (such as a Job Safety Analysis or JSA), is completed and submitted to the contract administrator for all activities at the University prior to work commencing.

33. The contractor will have the relevant permits/permissions (e.g to work within confined spaces and undertake hot works) and/or any licenses/competencies in accordance with legislative requirements.

34. The local area will monitor the tasks on a regular basis to ensure so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the activity.

35. The contract administrator will monitor the tasks on a regular basis to:

- * monitor contract work and if activities are considered unsafe, cease the activity and discuss corrective action to be taken;
- * conduct formal checks/audits of contractor activities to ensure their operations are safe (e.g. conformance with their WHS Management Plan, SWMS, Permits to Work as applicable). The frequency of the checks are to be determined by the contract manager based on the level of risk, unless the frequency is specified in the contract;
- * discuss the outcomes of the check with the contractor's representative and where applicable at contract review meetings;

- * ensure corrective actions are implemented by the contractor's representative where applicable;
- * follow the relevant contractual requirements should a breach of safety under the contract or WHS legislation be identified and the contractor is unable to remedy the breach;
- * place a copy of the completed contractor monitoring template on the contract file; and
- * monitor any trends and act where applicable.

36. For the duration of the contract, regular workplace safety inspections and safety meetings will be conducted by the contract administrator in conjunction with the contractor's representative. The period of the inspections and meetings will be as determined at the commencement of the contract.

37. All contractors will notify the contractor's representative and contract administrator if an incident/injury has occurred as per [the WHS incident management procedure](#). Contractors may in addition use their own organisation's Incident report form and provide a copy to the University by attaching their form to the University's record.

38. For a notifiable incident, the contractor's representative and contract administrator will be informed immediately.

Signage – additional requirements for construction projects

39. The contractor's safety will ensure that signage is installed that:

- * Detail the contract administrator; the contractor representative's name and telephone contact numbers (including after-hours);
- * Display the location of the site office, if any;
- * Are clearly visible from outside the workplace, or the work area of the workplace where the construction project is being undertaken; and
- * Display the name and phone number of the contractor's safety officer and the name and phone number of the contract administrator.

Contractor evaluation

40. At the completion of the contract, a formal close-out review will be completed by the contract manager and contract administrator to ensure that any lessons are understood, shared and sustained. The performance of all contractors will be recorded by the contractor administrator and used for improving the preferred supplier database.

Training

41. There are no training requirements for this procedure.

Sources

Legal and other requirements
<i>Work Health and Safety Act 2011 (Cth)</i>
<i>Work Health and Safety Regulations 2011 (Cth)</i>
<u>Procurement Policy</u>
<u>Procurement Procedure</u>
<u>Contract Management Handbook</u>
<u>Project Management Procedure</u>
<u>Alterations in and around University Buildings Procedure</u>
<u>Campus and Buildings Requirements Manual</u>

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