

## G.14 WHS for Contractors Policy and Procedure

### 1.0 INTRODUCTION/BACKGROUND

At times Mercy Services needs to engage contractors and sub-contractors to provide goods, skills or services. Some Mercy Services programs engage contractors and sub-contractors to work in a client's home but more often contractors and sub-contractors assist at a Mercy Services site. WHS Legislation and Mercy Services Policy requires that contractors, sub-contractors and Mercy Services work cooperatively to ensure the safety of all those affected by the contractors' and sub-contractors' role at Mercy Services.

### 2.0 SCOPE

The purpose of this procedure is to outline the steps to be taken when Mercy Services engages:

1. contractors for provision of specific services (e.g. cleaners, trainers, construction workers, tradespeople) and suppliers of hazardous/high risk products; or
2. sub-contractors to complete services on behalf of/instead of/under instruction from Mercy Services (e.g. if Mercy Services paid Novacare to complete cleaning services in a Mercy Services client's home)

### 3.0 POLICY STATEMENT

Mercy Services will make all reasonable efforts to ensure a safe environment for contractors and sub-contractors and those affected by the contractors and sub-contractors work for Mercy Services. Mercy Services will only engage contractors and sub-contractors who agree to cooperate with Mercy Services WHS Policy and Procedure.

### 4.0 PROCEDURE

#### 4.1 Responsibilities of Mercy Services

The Board of Directors and Chief Executive Officer (CEO) of Mercy Services are responsible for ensuring the health and safety of any contractors and sub-contractors employed at their sites.

The duty of care cannot be contracted out and therefore appropriate measures must be taken to ensure that the contractor fully understands Mercy Services WHS requirements.

Before a sub-contractor is engaged Mercy Services management will ensure that a Brokerage Agreement is completed and all necessary certificates supplied.

Before a contractor is engaged Mercy Services administrative staff will send them a:

- Cover letter outlining the steps the contractor must take to be accepted;

- Work Health & Safety Contractors Policy; and
- Contractor Agreement form.

When contractors and sub-contractors are engaged, the WHS Coordinator will be responsible for ensuring that:

- the contractor is not put at risk by the actions of Mercy Services;
- employees, volunteers, clients, or other organisations are not put at risk by contractor activities; and
- an agreement is written where a contractor and Mercy Services have significant shared WHS obligations (e.g., when a contractor is at a Mercy Services site for several weeks completing a building project).

The contractor must be provided with a WHS induction on commencement with the organisation, which clearly states the WHS rights, responsibilities and requirements of Mercy Services and potential risks the contractor may face in the course of their duties. Records of the Contractor Induction must be kept on the Contractor Induction Record (Appendix 3). For rented or otherwise shared premises, WHS induction of contractors and sub-contractors must be co-ordinated with the management of the premises.

The level at which this procedure is implemented is dependent on the level of work being undertaken by the contractor.

During the execution of the contract the management of Mercy Services may audit and monitor the safety performance of the contract workers and provide feedback to the contractor.

On completion of the contracted task, the management of Mercy Services will review with the contractor all relevant aspects of WHS performance, from both perspectives, during the project period.

## 4.2 Responsibilities of the contractor

The contractor or sub-contractor must:

- adhere to the Mercy Services safety policies and procedures;
- ensure that all their staff are appropriately trained and licensed for the tasks they complete;
- ensure that they keep their equipment in good working order and that they meet all appropriate standards;
- ensure all work completed and equipment installed is safe and suitable for its intended purpose;
- ensure that others are not put at risk while they are completing their work;
- where the contractor leaves any hazardous substances on site, they provide a Safety Data Sheet to Mercy Services;
- report any hazards, incidents/injuries;
- they only carry out work for which they have received approval from Mercy Services; and
- they repair or restore any damage or modification to buildings, equipment or the environment caused as a consequence of their work.

Contractors and sub-contractors carrying out major work (*a contract that is greater than \$25,000 in value*) will be required to:

- submit a Contractor Management Plan which identifies the WHS policies and procedures of Mercy Services as well as the safe operating procedures specific to the work they will be undertaking, and
- maintain records of the Contractor Management system.

Where contractors are carrying out any form of construction work they will be required to:

- produce the WorkCover “Green Card” as evidence that they have completed the NSW Authority Construction Induction.

Where contractors and sub-contractors are undertaking continuous tasks on site for more than one month, they will be designated a Mercy Services WHS Work Group so that they can participate in the feedback process to the Mercy Services Health & Safety Committee through the Mercy Services WHS Work Group representative or to the Mercy Services WHS Co-ordinator as appropriate.

#### **4.3 Contractor Insurances and Licences**

Contractors and sub-contractors are required to provide a copy of their relevant insurance coverage.

The CEO must ensure that the insurance is adequate.

#### **4.4 Record Keeping**

Records of all contractors and sub-contractors and their insurance details must be kept on file. Copies of the Contractor Agreement Form (Appendix 1) or Brokerage Agreement for sub-contractors and Contractor Induction Record (Appendix 2) should be kept. The WHS Coordinator must ensure that these records are reviewed on an annual basis.

A copy of the Contractor Agreement Form will be given to the contractor.

#### **4.5 Criminal Record Check**

All contractors and sub-contractors (and their staff) who work in client’s homes or have unsupervised contact with Mercy Services clients must have passed an Australian Federal Police (AFP) criminal record check.

The law says that organisations such as Mercy Services cannot engage employees, volunteers or contractors and sub-contractors who have a conviction of murder, sexual assault or a conviction/sentence leading to imprisonment for any form of assault.

These guidelines recognise the need to protect members of the community that we serve, while at the same time recognising the ex-offenders right to rehabilitation and reform. Mercy Services also accepts the individual's right to privacy in respect of criminal convictions and is only interested in relevant and/or recent convictions. Spent convictions (*certain incidents that occurred more than 10 years ago*) are not shown on a criminal record check.

A person with a criminal record will not necessarily be excluded from working with Mercy Services. The CEO will first conduct a risk assessment considering:

1. *Access: the degree of direct and unsupervised contact with clients, private records, and valuables.*
2. *Relevance: the type of conviction in relation to the person's duties at Mercy Services.*
3. *History: how long ago the conviction occurred and whether the person's life since indicates their rehabilitation and/or that it was an isolated incident.*
4. *Insight: the degree to which the person understands why they offended, the impact of the offence and contrition towards those affected.*
5. *Consequences: the impact that would result from an incident.*
6. *Controls: whether certain conditions would reduce the likelihood of an incident or accusation.*

If the contractor already has these certificates they need to provide a copy to Mercy Services for each employee that will work in a client's home or have unsupervised contact with Mercy Services clients.

If the contractor wants Mercy Services to process the criminal record check they will be charged \$60 for each check and each person needs to provide 100 points of identification at Mercy Services Tighes Hill office.

***The process for completing a Criminal Record check:***

- a) The applicant completes the AFP criminal record check form and show Mercy Services payroll staff the original evidence of their 100 points of identification.
- b) Mercy Services payroll staff will scan the originals and enter their details on the AFP website, print AFP form which the applicant signs
- c) Mercy Services payroll staff completes the application process on the AFP website and upload the identification documents and signed form
- d) Mercy Services payroll staff file paper forms in a secure and locked location and delete scanned documents when the criminal record check has been received by AFP.
- e) The AFP mail a certificate to the CEO:
  1. If the AFP reports the person has no criminal record this will be noted on the certificate and the certificate or a copy of it will be stored in a confidential and locked cabinet by Mercy Services payroll (the original is

posted to the contractor if the contractor paid for the criminal record check).

2. If the AFP reports that the person has a criminal record the CEO will contact the contractor and request a meeting with the contractor and the person concerned. The AFP certificate does not disclose the details of a criminal record only whether or not there is a record.

The CEO will use the form “Risk Assessment of worker with a criminal record” to assess the suitability of the applicant for the position (as per the criteria listed above). If required the CEO will forward this report to the relevant Government body for their approval of the CEO’s assessment.

The certificate or a copy of it will be stored in a confidential and locked cabinet by Mercy Services payroll (the original is posted to the contractor if the contractor paid for the criminal record check). If the certificate details serious criminal activity the applicant has the option of having the certificate stored in the CEO’s private files rather than the Mercy Services payroll files.

#### 4.6 Compliance

Compliance with this policy is being measured by:

- a) 100% of contractors and sub-contractors have up-to-date Mercy Services paperwork with Mercy Services; and
- b) 100% of Contractors and sub-contractors have been inducted.

#### 4.7 Evaluation

The performance indicators for the evaluation of this policy are:

- a) 0% injuries related to contractors or subcontractors.

#### 5.0 REFERENCES

<b>1. Current issues</b>	a) None identified
<b>2. Australian Standards</b>	a) None identified
<b>3. Legislation</b>	a) Work Health and Safety Act, 2011 (NSW) b) Work Health and Safety Regulations, 2011 (NSW)
<b>4. Professional guidelines</b>	a) None identified
<b>5. Codes of Practice</b>	a) Workcover NSW (2001) <u>Code of Practice: Risk Assessment</u> Publication No. 0963 b) Workcover NSW (2001) <u>Code of Practice: Occupational Health and Safety Consultation</u> Publication No. 0311
<b>6. Codes of Ethics</b>	a) Australian Association of Social Workers Code of Ethics 2010 <a href="http://www.aasw.asn.au/document/item/1201">http://www.aasw.asn.au/document/item/1201</a> b) Australian Psychological Association Code of Ethics <a href="http://www.psychology.org.au/Assets/Files/APS-Code-of-Ethics.pdf">http://www.psychology.org.au/Assets/Files/APS-Code-of-Ethics.pdf</a>

	c) Code of Ethics for Nurses in Australia 2008 <a href="http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx#codesofethics">http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx#codesofethics</a> d) Integrity in the Service of the Church <a href="https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards">https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards</a> e) Mercy Services Code of Conduct
<b>7. Evidence</b>	a) None identified
<b>8. Mercy Services Values</b>	a) Justice, Respect, Care, Unity, Service

**6.0 OTHER RELATED POLICIES**

- C.05 Quality Improvement
- C.06 Risk Management
- D.04 Payments
- D.07 Asset purchase and maintenance
- D.13 Information Technology & Communications
- E.16 Protection of Vulnerable adults from Abuse and Neglect
- E.17 Protection of Children from Abuse and Neglect
- G.05 Risk Management Procedure
- G.10 Hazardous Substances Procedure
- G.11 Security at Mercy Services Centres Policy & Procedure
- G.17 Incident Investigation Policy & Procedure

**7.0 RELATIONSHIP WITH STANDARDS**

<b><i>Aged Care Accreditation Standards</i></b>	<b><i>Home Care Standards</i></b>	<b><i>Disability Standards</i></b>	<b><i>EQulP Standards</i></b>
1.1, 1.2, 1.3, 1.6, 1.8, 1.9, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.10, 4.1, 4.2, 4.3, 4.4, 4.5,	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.4, 3.5	1.9, 2.2, 2.4, 2.5, 6.1, 6.2,	1.1.6, 2.1.2, 2.2.2, 3.1.4, 3.2.1

**8.0 DOCUMENT CHANGES RECORD**

<b><i>Date of change</i></b>	<b><i>Section altered</i></b>	<b><i>Natures of changes made</i></b>
Nov 2004	First record of document	
31/03/2008	a) Header and footer details, b) 5.2 c) 5.3 d) 5.5 Criminal Record Check e) Appendix 1 f) 5.6 Document Changes record g) Appendix 2 h) Appendix 3	a) Titles and dates b) reworded and simplified c) Licence added d) Section added e) Reworded with criminal record check inclusions f) Section added g) Replaced with DADHC criminal record check form for use with contractors h) Deleted requirement for contractors to submit Risk Management Plans (previous Appendix 2 is now Appendix 3)
15/04/2008	a) Appendix 1 b) Appendix 3	a) add date agreement signed b) add privacy requirements to induction checklist
04/02/2009	a) New 1.0 b) Old 2.0 c) New 2.0 d) New 3.0 e) Old 4.0 definitions	a) Added b) Deleted as covered by new 2 and 3 c) Was previously section 1.0 d) Added to comply with EQulP standard e) Deleted and details added into other sections

<b>Date of change</b>	<b>Section altered</b>	<b>Natures of changes made</b>
	<ul style="list-style-type: none"> <li>f) New 4.1</li> <li>g) New 4.2</li> <li>h) New 4.3</li> <li>i) New 4.4</li> <li>j) New 4.5</li> <li>k) New 5.0, 6.0, 7.0</li> <li>l) New 8.0</li> </ul>	<ul style="list-style-type: none"> <li>f) Previously 5.1. Now allocates contractor induction to WHS Coordinator rather than General Manager. Now allocates to admin role of sending out info contractor forms</li> <li>g) Now specifies that contractors allocated to a workgroup if continuously present for one month</li> <li>h) Previously 5.3. Now requires copy of insurance not just details</li> <li>i) Previously 5.3. Now allocates checking that records kept to WHS Coordinator rather than General Manager.</li> <li>j) Previously 5.5</li> <li>k) Added to comply with EQulP standard</li> <li>l) Was previously 5.6 also details of 04/02/09 changes added</li> </ul>
12/06/2009	a) Appendix 1	a) Changes made to the explanation of criminal record check process
10/02/2010	a) Appendix 1	a) Changes made to the explanation of criminal record check process
21/06/2010	a) Appendix 1	a) Added dispute resolution clause
28/03/2011	<ul style="list-style-type: none"> <li>a) 6.0 Other Related Policies</li> <li>b) 7.0 Relationship to Standards</li> </ul>	<ul style="list-style-type: none"> <li>a) Additional Policies referenced</li> <li>b) Updated Community Care Common Standards and EQulP5 Standards</li> </ul>
06/02/2012	<ul style="list-style-type: none"> <li>a) All sections</li> <li>b) 4.6 Compliance</li> <li>c) 4.7 Evaluation</li> <li>d) 5.0 References</li> <li>e) Appendix 1</li> </ul>	<ul style="list-style-type: none"> <li>a) Updated with how new WHS laws and Codes of Practice apply at Mercy Services</li> <li>b) New section</li> <li>c) New section</li> <li>d) Updated with new WHS laws and Codes of Practice</li> <li>e) QI added. Vehicles safety moved to dot point</li> </ul>
27/11/2012	All Sections	Organisation name updated
03/06/2015	<ul style="list-style-type: none"> <li>a) Most sections</li> <li>b) 2.0 Purpose</li> <li>c) 4.1 Responsibilities of Mercy Services</li> <li>d) 4.4 Records</li> <li>e) 4.5 Criminal Record Check</li> <li>f) 5.0 References</li> <li>g) 7.0 Relationship to Standards</li> <li>h) Appendix 2 Criminal Record Forms</li> </ul>	<ul style="list-style-type: none"> <li>a) Include sub-contractors in addition to contractors</li> <li>b) Include suppliers of hazardous/high risk products and add sub-contractors</li> <li>c) Delete requirement that Criminal Record Check form be sent (see (c) below and add mention of Brokerage Agreement for sub-contractors</li> <li>d) Add Brokerage Agreement for sub-contractors</li> <li>e) All criminal record checks must be from AFP and Contractor will be billed if Mercy Services is completing the check</li> <li>f) Update Codes of Ethics and delete Evidence</li> <li>g) Add Aged Care Accreditation Standards and update Disability Standards</li> <li>h) Procedure added to 4.5 and forms deleted as form is must be completed when applicant is in Mercy Services office</li> </ul>
Review due 03/06/2018		

Mercy Services

Appendix 1

Ph: 02 4961 2686
ABN: 34 095 335 309

32 Union Street, Tighes Hill NSW 2297
E-mail: office@mercyservices.org.au

Fax: 02 4969 5149
ACN: 095 335 309

CONTRACTOR AGREEMENT

Name of Contractor: \_\_\_\_\_ ABN: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

How do you want us to request jobs: [ ] Phone [ ] Mobile [ ] Fax [ ] Email [ ] Delivery to you

Discounts offered to Mercy Services (or Mercy Services clients): \_\_\_\_\_

Type of Trade/Building Licences \_\_\_\_\_

Licence No: \_\_\_\_\_ Expiry date: \_\_\_\_\_ Conditions: \_\_\_\_\_

Please attach copies of Certificates of Currency for the following:

[ ] Workers' Compensation Insurer (if an employer and/or an incorporated company) or Sickness & Accident Insurer (if self-employed): \_\_\_\_\_ (Name of Insurer and renewal date)

[ ] Public Liability Insurer: \_\_\_\_\_ (Name of Insurer and renewal date)

[ ] External Quality accreditation: \_\_\_\_\_ (Details and renewal date)

For each of your staff who will enter our client's homes we need a current AFP criminal record check.

I have read both the Mercy Services Work Health & Safety Policy and Contractors Procedure and I will comply with my specified responsibilities and follow any reasonable instructions, advice and directives including:

- Providing Safety Data Sheets for all substances left on Mercy Services premises.
Ensuring that all vehicles\equipment purchased, leased or hired meet standard safety requirements.
Reporting to Mercy Services any hazards/incidents/injuries that take place while engaged by Mercy Services.

Dispute Resolution

If any dispute arises between the parties in relation to the effect of this Agreement and that dispute is not mutually resolved within one calendar month, the parties may engage mediation with the Community Justice Centre, failing which the dispute may be referred to arbitration in accordance with the laws relating to arbitration in force in the State of NSW.

- At such arbitration each of the parties may be represented by a duly qualified legal practitioner.
The costs of the arbitration shall be dealt with as follows:
(a) the costs of each of the parties shall be borne by the party that incurred them and not by any other party; and
(b) the fees and expenses of the arbitrator and any costs of the arbitration shall be borne equally by the parties.

Signed: \_\_\_\_\_ (Contractor) \_\_\_\_\_ (date)

\_\_\_\_\_ (Mercy Services CEO) \_\_\_\_\_ (date)
The contractor will be sent a copy of this document when signed.

# CONTRACTOR INDUCTION RECORD

Item	Yes	No	Feedback/comments/follow up
Introduced to organisation contact person			<p><i>I am aware of, and agree to comply with, the WHS requirements.</i></p> <p>Contractor's signature.....</p> <p>Date ..... / ..... / .....</p> <p>Facilitated by.....</p> <p>Date ..... / ..... / .....</p>
Attendance book			
Amenities			
Reporting and access requirements			
Protecting privacy of information gathered, including accidentally			
WHS Policy Statement			
Emergency procedure			
First aid			
No Smoking policy			
Contractor's procedure			
Organisation hazard & risk control strategies			
Accident, incident, hazard, reporting			
Hazardous substances			
Records of training certificates (as appropriate)			
Contractor Completion of Risk Management Plan for this project			

Mercy Services has undertaken this induction procedure in order to assist contractors and sub-contractors and their employees to work safely in our workplace environment and comply with our WHS management system requirements.

Every effort has been made to explain the legal obligations of contractors and sub-contractors and their employees working at Mercy Services however responsibility to understand and observe relevant legislation remains with the contractor at all times.

M:\Shared\FORMS & Letterhead\WHS Forms\WHS Contractor Induction