

Guideline

Contractor Safety Management



Summary

The department enters into contracts with a number of organisations and individuals to carry out works and to provide services to the department or on behalf of the department.

This guideline provides an overview of the Work Health and Safety (WHS) obligations involved in managing the safety of workers. This guideline and its supporting tools set the framework for the minimum safety standard required for the management of contractors and serves as a reference for the processes to be undertaken by the department, subject to what is reasonably practicable in each set of circumstances.

1. Scope

This guideline applies to all divisions and sections of the department.

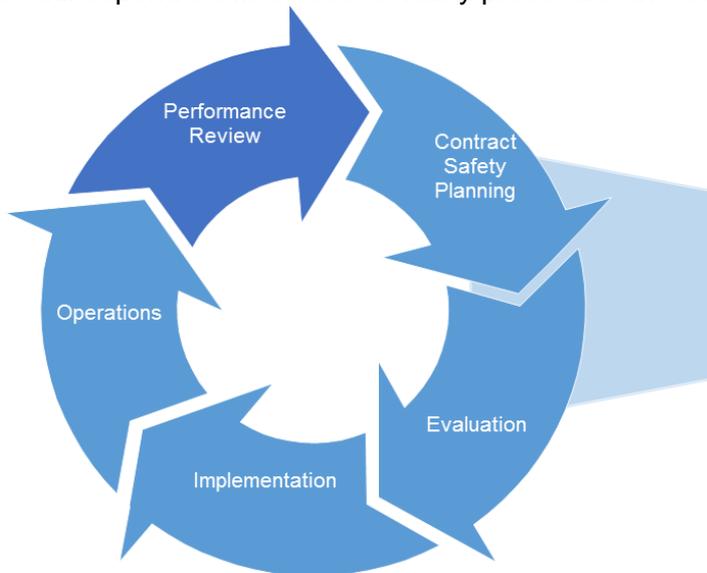
2. Definitions

TERM	DEFINITION
Construction Work	Any work carried out in connection with a construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure (refer to <i>Appendix A</i> for further detail).
Contractor Safety Management Lifecycle	A risk management and continuous improvement process as described in this guideline.
Construction Project	A project that involves construction work where the cost of the work is \$450,000 or more as defined in Regulation 293 of the <i>WHS Regulations 2012 (SA)</i> (refer to <i>Appendix A</i> for further detail).
High Risk Construction Work	Construction work which involves one or more of a number of high risk activities, as defined in Regulation 291 of the <i>WHS Regulations 2012 (SA)</i> (refer to <i>Appendix A</i> for further detail).
PCBU	Persons conducting a business or undertaking.
Prequalification	A pool of contractors assessed for suitability to provide services or be considered for tendered works on behalf of the department.
Preferred	A registered list of contractors and trades administered by DPTI Facilities Services and available to be deployed to provide services for work requested under AGFMA.
Principal	The PCBU initiating, requesting, or commissioning a Construction Project and representing the interests of the Crown.
Principal Contractor	A Principal Contractor must be appointed for all Construction Projects. The Principal Contractor is either the Principal or another PCBU engaged by the Principal to be the Principal Contractor. The Principal Contractor has management and control of the workplace and must discharge the legislated duties and responsibilities of a Principal Contractor (refer to <i>Appendix A</i> for further detail).

TERM	DEFINITION
Reasonably practicable	Refers to actions that are reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant factors (refer WHS Act, Section 18).
Safety culture	Strong, demonstrated safety leadership, communication and consultation and a commitment to assessing the effectiveness of safety systems in place along with evidence of a strong reporting culture.
Safe systems of work	Documented safe work procedures including Safe Work Method Statements (SWMS) and activities that ensure workers are inducted, correctly trained, licensed and provided with the appropriate safety equipment.
Structure	A structure is anything that is constructed, whether fixed or moveable, temporary or permanent. A structure includes buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels), for example noise reduction barriers on a freeway, other examples applicable to the Department may include the construction of a roadway, pathway, bridge, dam foundations, earth works and other earthworks including river works and sea defence works.
WHS Act	Refers to the <i>Work Health and Safety Act 2012</i> , which is the South Australian Act to provide for the health, safety and welfare of persons at work and for other purposes.
Worker	Any person who carries out work in any capacity for the department and may include employees, contractors or subcontractors, temporary labour hire, outworkers, apprentices, trainees, students gaining work experience, volunteers, and other persons of a prescribed class.
Workplace	Means any place where a Worker works and includes any place where such a person goes, or is likely to be, while at work.

3. The contractor safety management lifecycle

The contractor safety management lifecycle describes a range of activities that assist the department to ensure that workers are appropriately skilled, trained and informed and provided with safe systems of work and safe workplaces. The specific activities required to be undertaken by the department as part of the lifecycle will depend on what is reasonably practicable in each set of circumstances.



The **contractor safety management lifecycle** is a risk management and continuous improvement process.

Beginning at the planning stages, the aim is to ensure that contractors with the appropriate skills, systems and safety culture (values, leadership and behaviours) are engaged to perform work on the department's behalf.

To the extent reasonably practicable, the department will apply this process to all contracted works, audit the effectiveness of safety systems in place and work with its contracted workforce to facilitate improvements, where necessary.

The activities required to be undertaken by the department at each stage of the lifecycle, subject to what is reasonably practicable, are summarised below and described in further detail in section 4:

- **Contract safety planning** - identification of reasonably foreseeable WHS risks likely to be involved in contracted works and inclusion of same in description of work required to be undertaken by contractor (i.e. in invitations to offer, tender specifications or applications for pre contract).
- **Evaluation** - assessment of the contractor's WHS systems and capacity and capability to meet WHS requirements by way of an evaluation of the prospective contractor's:
 - response to a request for tender (see section 4.2);
 - application for pre-qualification; or
 - existing approved pre-qualification application against requirements of specific work to be undertaken.
- **Implementation** - ensuring task or project-specific safety management plans and/or other relevant safety documentation are in place (as identified at the evaluation stage) prior to the commencement of work by the contractor (see section 4.3).
- **Operations** – taking reasonably practicable steps to monitor, analyse and review contractor safety performance during the life of the contract (see section 4.4).
- **Performance review** – feeding contractor WHS performance back into planning and evaluation processes to ensure continuous improvement of contractor safety management (see section 4.5).

Table 1: Contractor Safety Management Lifecycle serves as a quick reference guide for the steps to be undertaken, including a link to supporting process tools.

The exact processes and procedures for each of these stages and the responsibility to discharge them will vary depending on the nature and complexity of each contracting arrangement.

Table 1: Contractor Safety Management Lifecycle: A quick guide

Activity	Guidance	Process steps to be considered	Guidance tools for the process
Planning 4.1	Identification of reasonably foreseeable WHS risks likely to be involved in contracted works and inclusion of same in description of work required to be undertaken by contractor (i.e. in invitations to offer, tender specifications or applications for pre contract)	4.1.2 Identifying reasonably foreseeable WHS risks 4.1.3 Determining WHS requirements	For Pre contract and Preferred: Form 1: Pre Contract/Preferred Evaluation
			Preparing RFT etc: Form 2: Pre Contract Risk Assessment
Evaluation 4.2	Review of a potential contractor's documentation and systems to determine whether they are sufficient to manage known and/or reasonably foreseeable risks and compatible with the department's safety values and standards	4.2.2 Evaluating safety resources 4.2.3 Evaluating WHS management systems 4.2.4 Evaluating WHS performance 4.2.5 Evaluating safety culture 4.2.6 Documenting the process	For Pre contract and Preferred: Form 1: Pre contract/Preferred Evaluation
			Evaluating a RFT etc: Form 3: Contractor WHS Evaluation
Implementation 4.3	Review of task and/or job-specific safety documentation to ensure that systems and controls are in place prior to work commencing	4.3.2 Project risk assessment and risk registers 4.3.3 SWMS and other documented safe working systems 4.3.4 WHS management plans	Form 4: SWMS checklist Form 5: WHS Safety Management Plan checklist
Operations 4.4	Taking reasonably practicable steps to monitor, analyse and review contractor safety performance during the life of the contract i.e. through consultation, cooperation and coordination	4.4.2 Monitoring (general) 4.4.3 Risk management 4.4.4 Site supervision, inspections and auditing 4.4.5 Incident reporting 4.4.6 Contractor self-reporting	Form 7: Contractor WHS Site Risk Exchange Other forms related to site inspections, safety walks, etc, refer to DPTI WHS Intranet
Performance review 4.5	Gather and record lessons learnt from contract operations and feed this information back into the procurement process to drive continuous improvement	4.5 Performance review	Form 6: Contractor WHS Appraisal

4. Process

The department has a number of different business units with different risks and the responses to risks will vary (for example, from rolling audit programs over an extended period to in depth considerations of larger discrete projects). All business units must, as far as reasonably practicable, comply with the below process for each contractor engagement.

4.1 Contract Safety Planning

Required Outcome: *Identify reasonably foreseeable WHS risks associated with the proposed works and include in any invitation to offer, tender specifications or application for pre contract.*

Guidance:

4.1.1. Overview of contract safety planning

When the department engages contractors or causes them to be engaged, reasonably foreseeable risks to the health and safety of workers and others who may be affected by the execution of those works must be identified as early as possible. In the planning stage, this involves the identification of these risks in:

- applications for pre contract
- invitations to offer
- developing a tender for proposed works or services

4.1.2 Identifying risks

Risks that could reasonably be expected to arise from the proposed contracted works should be identified by the department. When identifying risks the department should consider:

- the **nature** of the works to be carried out, including whether high risk tasks and/or High Risk Construction Work is, or is likely, to be involved;
- the **location(s)** where work will be, or is likely to be, carried out, including isolated and remote work i.e. this may involve consulting with the government department or entity that has engaged the department to facilitate the works regarding the risks at their premises;
- the **complexity** of the work, including multiple interfaces with other PCBUs, subcontracting arrangements etc.; and
- where the proposed work is, or is likely to be, a Construction Project (i.e. construction work with a value greater than \$450,000 as defined by WHS legislation), whether the contractor will be appointed as the **Principal Contractor** (refer to Appendix A) and authorised to have management and control of the workplace, or whether the department will retain this function.

Where the work proposed is a Construction Project, the pre-contract documentation and the contract itself must clearly stipulate whether the department, as the Principal, is the Principal Contractor or whether the contractor will be engaged as Principal Contractor.

Where the contractor is to be engaged as Principal Contractor, it must be clearly stipulated that the contractor will be authorised to act as the person with management and control of the workplace.

4.1.3 Determining requirements

When developing criteria for **pre contract**, [Form 1: Contractor Pre contract/Preferred Evaluation \(Form 1\)](#) should be utilised and retained for future reference.

When developing an invitation to offer, request for tender or other pre-contract document, [Form 2: Pre Contract Risk Assessment \(Form 2\)](#) should be utilised and retained for future reference

The level of detail regarding risk to be included in any application for pre contract must reflect the risk identified and scale commensurate to the complexity of the proposed works.

Sections 3.4 and 3.5 of [Form 1](#) require a contractor applying for pre contract to identify WHS risks that could foreseeably arise based on the nature of the services that the contractor will provide and what is known of the locations in which they will be provided.

4.2 Evaluation

Required Outcome: *Review potential contractor's documentation and systems to determine whether they are sufficient to manage known and/or foreseeable risks and compatible with the department's safety values and standards*

Guidance:

4.2.1. Overview of evaluation process

The evaluation stage entails a review of a potential contractor's WHS documentation and systems to determine whether they are sufficient to manage known and/or foreseeable risks and compatible with the department's safety values and standards. This may involve evaluating:

- a contractor for pre-qualification using [Form 1](#);
- responses to tender from contractors, including prequalified contractors and others using [Form 3: Contractor WHS Evaluation \(Form 3\)](#)

The evaluation stage should consider the contractor's general WHS systems, capacity and capability as well as any systems required to manage specific WHS risks that may arise based on the contractor's occupation, likely work activities and work locations. The requirements may change on a case by case basis in accordance with associated risk:

Example 1: A large organisation likely to be engaged as a Principal Contractor for a complex, high risk construction project is required to demonstrate their capacity and capability to safely execute such work as well as provide evidence of past safety performance, safety culture initiatives and continuous improvement. The availability of qualified and experienced WHS supervisors would need to be demonstrated. The contractor would also be expected to provide evidence of a comprehensive safety management system, including procedures to manage risks associated with identified High Risk Construction Work.

Example 2. A sole trader seeking prequalification for routine maintenance tasks, which is not considered High Risk Construction Work, is required to demonstrate that they have systems in place (for example, documented safe working methods) commensurate to the risks involved with the work they will be carrying out.

However, regardless of the particular project, at a minimum the department should be able to demonstrate evidence in response to four key questions set out at sections 4.2.2 to 4.2.5 below.

Where a prequalified contractor may be utilised in relation to a specific job or response to tender then a further evaluation must be performed to address any specific WHS risks identified that were not addressed in the contractor's original prequalification evaluation. For example, this may involve consulting with the contractor to determine whether they have systems in place to manage the identified risk.

Depending on the scenario, risk and complexity, evaluations may be performed:

- directly by the department;
- with the assistance of third party auditor/assessor; or
- by an authorised stakeholder on behalf of the department.

Where the department performs the evaluation directly it should endeavour to adhere to the guidelines set out in sections 4.2.2 to 4.2.6. For work of higher risk and complexity it is recommended that assistance and guidance is sought from the DPTI Safety Unit.

If the evaluation is conducted by a third party auditor or assessor, the department must be able to demonstrate that the third party is a WHS subject matter expert and qualified or competent to conduct the evaluation adequately.

Where evaluations are conducted by authorised stakeholders on behalf of the department (e.g. external service providers on boarding contractors under the AGFMA contract or Principal Contractors engaging subcontractors), the department must satisfy itself that the stakeholder has adequate systems in place to conduct these evaluations.

All evaluation processes conducted by, or on behalf of, the department should be documented and recorded (section 4.2.6).

If a contractor is deemed unsuitable on WHS grounds, regardless of performance in other non-WHS related criteria, the contractor must not be granted prequalified status or awarded the tender.

4.2.2 Evaluating safety resources

Key Question 1: *Can it be demonstrated that the contractor has sufficient resources to manage the safety of workers?*

The evaluation of a contractor's available safety resources should take into consideration the size, location and scope of the proposed work as well as the experience and qualification of its safety managers, supervisors, leading hands etc.

For example, a contractor who is likely to be appointed as a Principal Contractor will require far greater levels of resourcing and expertise compared to a smaller company carrying out minor works under the department's supervision or a sole trader who would simply need to demonstrate sufficient understanding of key WHS risks and the controls in place to manage them.

4.2.3 Evaluating WHS Management Systems

Key Question 2: *Can it be demonstrated that the contractor has adequate systems in place to manage foreseeable WHS risks?*

WHS management systems should be commensurate with project/contract WHS risks and complexity. At a minimum, systems must be in place to ensure:

- identification of hazards, assessment of WHS risks and application and evaluation of the effectiveness of control measures pertaining to the risks that might arise from the proposed work; and
- incident reporting and investigation, including a corrective action process.

Where complex works are involved, the comprehensiveness of the safety management system is expected to scale up accordingly.

Where systems are required to be accredited to a standard it is important to request and review any third party audits of the contractor's system and evaluate evidence of closure of any corrective actions arising.

4.2.4 Evaluating WHS performance

Key Question 3: *Can it be demonstrated that the contractor monitors and manages safety and demonstrates a commitment to improving safety outcomes?*

Review of past and current WHS performance of tenderers is crucial for the identification of gaps or weaknesses in their systems. The assessment should include a review of the contractor's reporting process to provide an indication of how well it monitors and manages safety performance and implements corrective actions and continuous improvement.

While lost time injuries (LTIs) and other traditional "lag indicators" can be a useful measure of safety performance, quotas should not be imposed as this can discourage honest and effective reporting.

While information regarding notifiable incidents, fatalities and serious injuries is an important indicator of safety standards and performance, where possible the focus should be on the process of improvement. Repeated incidents caused by unaddressed WHS risks may be a more effective indicator of substandard safety systems than multiple minor incidents.

4.2.5 Evaluating safety culture

Key question 4: *Can it be demonstrated that worker safety and continuous improvement is a key outcome for the contractor?*

Strong, demonstrated safety leadership, communication and consultation and a commitment to assessing the effectiveness of WHS systems should be evident from the contractor's safety management systems (i.e. policies and procedures) as should a strong reporting culture.

Evidence of a strong safety reporting culture could include details of near miss reporting, regular safety meetings with workers and real time safety bulletins.

4.2.6 Documenting the process

The results of the evaluation of a contractor's WHS capability should be recorded using [Form 1](#) for prequalification and [Form 3](#) for other evaluations (such as a contractor's response to a request for tender).

When evaluating a prequalified contractor for a specific contract or response to a request for tender, [Form 3](#) should be cross referenced with the contractor's completed [Form 1](#) and any project or contract-specific risks not identified during prequalification should be identified and the contractor's capability and capacity to manage those risks evaluated. Records of evaluations should be retained on file for future use/review.

4.3 Implementation

Required Outcome: *Provision of appropriate task and/or job-specific safety documentation and assurance that systems and controls described at evaluation stage are in place prior to work commencing*

Guidance:

4.3.1 Implementation overview

This stage includes provision and review of appropriate task or project-specific safety management plans and other relevant safety documentation (as specified and agreed in the contract) prior to commencement of the work.

In all cases, arrangements between PCBUs with respect to WHS management must be made clear to all involved, preferably in contract documents or safety management plans (see below). This should include the following:

- the roles and responsibilities of all PCBUs in relation to WHS management;
- the systems and control measures that will be in place to manage foreseeable WHS risks; and
- reporting requirements for incidents and injuries, including but not limited to incidents that are required to be notified to the regulator.

4.3.2 Project risk assessment and risk registers

A project risk assessment and risk register are required for Construction Projects and higher risk or more complex ongoing projects. Risk registers must include:

- identification of key WHS risks associated with the project;
- calculation of inherent risks associated with the above;
- specific information in relation to the control measures required to manage key risks; and
- a calculation of residual risk.

In the case of a Construction Project, a project risk assessment and risk register must be completed by the Principal Contractor prior to work commencing and presented to the department for review in conjunction with the WHS management plan.

For higher risk, non-Construction Projects or more complex ongoing programs of works, the project risk assessment and risk register should be developed by the PCBU most directly

responsible for ensuring that control measures will be in place for identified risks on a day to day basis in conjunction and consultation with the principal. One register is sufficient for an ongoing program of works (e.g. AGFMA) providing it captures all key/significant risks and controls and is reviewed/updated regularly and in light of incidents, audits or other indicators that key controls may have failed.

In all cases, the project risk register should be used as a baseline to validate that key controls are in place during the management phase (see 4.4). The project risk assessment and risk register may be consulted when performing incident investigations to determine whether key controls were absent, failed or were otherwise insufficient to control risks.

The project risk assessment and risk register should be reviewed in consultation with relevant PCBUs regularly during the life of an ongoing project and in light of incidents, audits or other indicators that key controls may have failed.

4.3.3 SWMS and other documented safe working systems (general)

The department's role in relation to documented safe work procedures (including SWMS) depends on the nature of the specific contracted arrangement. Generally, the PCBU that on boards or approves a contractor for a specific job, task or project is responsible for reviewing SWMS or other safe working documents.

For example, if the department engages a Principal Contractor then the department will need to satisfy itself that the Principal Contractor has appropriate safe working procedures in place. However, the Principal Contractor will generally be responsible for ensuring that any subcontractors it engages as part of the project have relevant safe working procedures in place.

SWMS are a common method for documenting hazards, risks and control measures for specific or generic tasks. SWMS are mandatory for High Risk Construction Work (see 4.3.2). Requirements for SWMS that relate to High Risk Construction Work are described in [Form 4: SWMS checklist \(Form 4\)](#), which should be used and maintained for records when reviewing SWMS.

Where a SWMS is not specifically mandated, contractors should provide some form of documented safe work procedure that, at a minimum, describes the hazards and risks that may be involved in the work and the control measures in place to manage them.

The content of a SWMS or other documented safe work procedure should provide clear direction on control measures to be implemented. For example, the statement 'use appropriate PPE' does not detail the control measures. The control measures should be clearly specified.

Additionally, where a SWMS is provided for High Risk Construction Work, arrangements must be in place to ensure the work is carried out in accordance with the SWMS.

Where the review of SWMS and other safe working documents are conducted by authorised stakeholders on behalf of the department (i.e. external service providers on boarding contractors under the AGFMA contract or Principal Contractors engaging subcontractors), the department must satisfy itself that the entity has systems in place to facilitate this process. [Form 4](#) reflects legislative requirements for SWMS and can be used as a baseline for this purpose.

4.3.4 WHS Management Plans

A WHS management plan sets out the arrangements for managing site WHS matters. The intention of a WHS management plan is to ensure required processes are in place to manage the risks associated with a Construction Project (as there are usually many contractors involved and circumstances can change quickly from day to day) or long term arrangements involving high risk and high complexity construction tasks.

The WHS management plan must be in writing and prepared by the Principal Contractor before a project commences. The WHS management plan must contain:

- names of persons at the workplace whose positions or roles involve specific WHS responsibilities i.e. site supervisors, project managers, first aid officers;

- arrangements for consultation, cooperation and coordination between PCBUs;
- arrangements for managing incidents (including near misses);
- site-specific WHS rules and how workers will be informed of the rules;
- arrangements to collect and assess, monitor and review SWMS;
- site or project-specific risk assessments and the risk register;
- arrangements for the on-boarding of contractors, including ad-hoc or unanticipated engagement of contractors.

It may also include information on:

- the provision and maintenance of a hazardous chemicals register, safety data sheets and hazardous chemicals storage;
- the safe use and storage of plant;
- the development of a construction project traffic management plan;
- obtaining and providing essential services information;
- workplace security and public safety;
- ensuring workers have appropriate licences and training to undertake the construction work.

If the department is the Principal Contractor it must prepare a written WHS management plan prior to the work commencing. Where a third party is engaged and authorised to be Principal Contractor, the WHS management plan for the Construction Project must be submitted to the department and reviewed prior to the work commencing using [Form 5: Safety Management Plan checklist](#).

4.4 Operations

Required Outcome: *The department will take reasonably practicable steps to acquire and evaluate information in relation to the WHS performance of contractors*

Guidance:

4.4.1 General

The operations phase involves effective consultation, coordination and cooperation between PCBUs to ensure that WHS systems are in place and are operating effectively to manage risks to the WHS of workers (and others who may be affected by the work) so far as is reasonably practicable.

Due to the wide variety of contractor arrangements that the department enters into, the exact roles and responsibilities will vary.

Activities for which the department is directly responsible will depend largely on who has management or control of the workplace. Requirements will change depending on the nature of the relationship and the department's role or position in the chain of responsibility.

When determining the appropriate level of monitoring required as part of the operations phase, decisions should be demonstrably risk-based i.e. made with consideration to the scope, nature, location and identified risks of the work activities as indicated by contract and/or project risk assessments, risk registers, safety management plans etc. and in line with the following minimum standards.

4.4.2 Monitoring (general)

In some scenarios monitoring will involve direct oversight of contractor performance (i.e. where the department is the Principal Contractor or where there is no Principal Contractor).

In scenarios where day-to-day management and supervision is carried out by others (i.e. where a third party is the Principal Contractor or is otherwise acting on the department's behalf to engage

and manage contractors), the department should have reporting arrangements in place that enable it to effectively monitor the implementation and effectiveness of risk controls.

4.4.3 Risk Management

In scenarios where the department is not directly engaging, managing or supervising workers, “line of sight” to key processes and control measures, including their implementation and effectiveness, should be maintained. Consultation, cooperation and communication with PCBUs to verify WHS risk management arrangements should be documented and demonstrable, commensurate with the risk, scale and complexity of the works.

Table 2 demonstrates how key risk management processes (such as risk registers, WHS management plans, SWMS and other documented safe working procedures) should be implemented for various types of contractor relationships.

4.4.4 Site supervision, inspections and auditing

Where the department engages or causes contractors to be engaged, it should be able to demonstrate a process for validating that WHS control measures are in place and being utilised. The identity of the Principal Contractor and the general size, geographical location(s), risk and complexity of a project or program of works will impact on the frequency and type of supervision, inspection and auditing required by the department.

In all cases, supervision, inspection and auditing activities should be risk-based, with the balance of resources and activities focussed on higher risk projects or activities wherever practicable. Audits and inspections should focus on the actual risks involved in carrying out the work and the presence and effectiveness of control measures.

Where the department engages external resources to audit the effectiveness of contractor safety measures, these auditors must have relevant WHS qualifications and experience.

4.4.5 Incident reporting

Effective incident reporting, both real-time and in summary, is a key process for validation of the effectiveness of control measures. The department should ensure that arrangements for the provision of real time reports are in place and being actioned as soon as reasonably practicable. This should include:

- any and all **notifiable incidents** as defined by WHS Act. See **Appendix B** for a list of notifiable incidents;
- any other incidents that are notifiable to a regulator;
- any **serious injury** (i.e. requiring immediate treatment beyond first aid);
- any **serious potential incident**

For the purposes of this guideline, a serious potential incident is defined as a “near miss” incident which could have resulted in significant injury, fatality or other catastrophic event. This includes incidents involving minor injuries or where no injuries were sustained but which indicate or suggest the absence or failure of a key control measure.

While it will usually be the responsibility of the contractor to investigate incidents (especially in the case of a third party Principal Contractor), the department:

- may choose to conduct its own investigation;
- must be informed of the results of any incident investigation conducted by a contractor which indicates the absence or failure of key control measures, especially those related to WHS risks with the potential for significant injuries; and
- must be informed (e.g. via monthly reports) of the progress of implementation of remedial actions arising from incidents.

4.4.6 Contractor self-reporting

The department should request and receive regular WHS reporting during the life of a project or program of works. Such reporting should enable the department to gain insight into the implementation and effectiveness of control measures. Regardless of the format presented, the department should seek and retain documented evidence of:

- the results of any incident investigations, including analysis of cause, context, relationship to key controls and risks and any remedial actions required;
- WHS performance measures including hazards management systems and remediated, injuries, incidents and near misses;
- the progress of any remedial actions arising from investigations, audits, inspections etc.;
- the results of any contractor-initiated proactive safety measures such as site walks, inspections and audits of workers including subcontractors;
- any other salient WHS information

For contracts with a total remunerable contract value equal or greater than \$450,000, contracts identified as high risk using [Form 2](#) or where a contractor is the Principal Contractor, reporting should be monthly with more detailed reviews carried out quarterly. Where significant incidents or injuries occur, the department may choose to require additional specific reporting outside of this framework.

The subject matter and detail of contractor self-reporting should be commensurate with the WHS risks, scope, complexity and size of the project or program of works.

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Table 2: Contractor safety ‘Operations’ phase - typical activities to be performed as far as reasonably practicable

Activity	Construction Project, (i.e. construction works with a value of ≥ \$450K)	Construction Project (i.e. construction works with a value of ≥ \$450K)	Construction works under \$450K	Construction works under \$450K	Minor works (including “task and bill”, one-off or short duration works)	Other long term arrangements (e.g. bus contracts)
Person with management or control of worksite	<i>Third party Principal Contractor</i>	<i>DPTI (as Principal Contractor)</i>	<i>DPTI</i>	<i>Other (e.g. other government agencies)</i>	<i>DPTI or other</i>	<i>Will vary</i>
4.4.2 Monitoring (general)	DPTI may monitor Principal Contractor’s ongoing WHS performance (including supervision and performance of subcontractors) via direct inspection (see below) and analysis and discussion in regards to the results of the Principal Contractor’s safety audit and inspection regime.	DPTI may directly monitor and manage worker (e.g. contractor) performance against WHS management plans and key KPIs.	DPTI should directly monitor and, where necessary, manage worker (e.g. contractor) performance against WHS management plans and key KPIs.	DPTI should consult, coordinate and cooperate with all PCBUs involved to ensure that appropriate monitoring takes place. Where a third party service provider manages and monitors the work, DPTI will ensure that management and monitoring activities are sufficient for risk and complexity of the works.	Management and monitoring are generally by exception or audit and reporting.	DPTI should liaise with contractor to manage and monitor ongoing WHS performance.
4.4.3 Risk Management	Project risk assessment, project risk register, site-specific WHS management plan.	Project risk assessment, project risk register, site-specific WHS management plan.	SWMS and other documented safe work procedures should be linked to an overall risk register for an ongoing program of works	SWMS and other documented safe work practices should be linked to an overall risk register for an ongoing program of works	SWMS or other documented safe work practices should be linked to an overall risk register for an ongoing program of works	Project risk assessment, project risk register
4.4.4 Site supervision, inspections and auditing	DPTI will not directly supervise or instruct workers at these sites (beyond addressing any observed WHS issues). However, as per contracted arrangements, DPTI may conduct site inspections. DPTI will audit Principal Contractor systems in place.	DPTI will conduct site inspections commensurate with the risk, complexity and length of the project.	DPTI should conduct site inspections commensurate with the risk, complexity and length of the project.	DPTI should conduct site inspections commensurate with the risk, complexity and length of the project.	DPTI should monitor compliance via desktop audit (e.g. provision of signed work permits and JSAs) on a sample basis.	DPTI should arrange and agree with the contractor suitable inspection and auditing arrangements commensurate with the risk, complexity and length of the project.
4.4.5 Incident reporting	The Principal Contractor may, via an agreed process, immediately report all incidents, injuries and near misses to DPTI. The Principal Contractor may investigate incidents and report on root causes and progress of remedial actions to DPTI.	DPTI may ensure that contractors and subcontractors report incidents directly to the department. DPTI may investigate incidents and assign, track and monitor corrective actions	DPTI should ensure that contractors report incidents directly to the department. DPTI may investigate incidents and assign, track and monitor corrective actions	Contractors should report all incidents, injuries and near misses to DPTI. DPTI may request an incident investigation. For more serious incidents, DPTI may perform its own incident investigation	Contractors should report all incidents, injuries and near misses to DPTI. DPTI may request an incident investigation. For more serious incidents, DPTI may perform its own incident investigation	Contractors should report all incidents, injuries and near misses to DPTI. DPTI may request an incident investigation. For more serious incidents, DPTI may perform their own incident investigation
4.4.6 Contractor WHS self- reporting	The Principal Contractor may provide DPTI with regular reporting against agreed KPIs, (both lead and lag based), contractor safety performance and any safety improvements or initiatives.	Contractors will provide DPTI with regular reporting against agreed KPIs, (both lead and lag based), safety performance and any safety improvements or initiatives.	Will vary, in line with the standards outlined in this guideline	Will most likely occur as part of a larger ongoing program of works. PCBU responsible for oversight (e.g. the Service Provider in relation to AGFMA) should provide regular reporting to DPTI	Will most likely occur as part of a larger ongoing program of works. PCBU responsible for oversight (e.g. the Service Provider in relation to AGFMA) will provide regular reporting to DPTI	Will vary, in line with the standards outlined in this Guideline

4.5 Performance review

Required Outcome: *Gather and record lessons learnt from contract operations and feed this information back into the procurement process to drive continuous improvement.*

Guidance:

In addition to ongoing monitoring and/or management of contractors' WHS performance, a WHS appraisal should be undertaken to record lessons learnt and formalise the closure of contracted projects. The WHS appraisal will complete the contractor safety life cycle by feeding lessons learnt into the planning and selection process where new contractors are engaged or existing contractors are re-engaged.

[Form 6: Contractor WHS Review](#) should be used at the completion of contracts with a total remunerable contract value greater than \$450,000, contracts identified as high risk using [Form 2](#) or where a contractor had site management and control.

The results of WHS appraisals should be maintained and a copy provided to the appropriate procurement and contracts team to review.

Additionally, where contractors from the DPTI pre-qualified pool that do not otherwise meet the above criteria are engaged, DPTI project or contract managers should ensure that a review of safety performance is provided to the procurement and contracts team to review.

5. Record management

The following records are an example of what might be maintained and stored according to legislative and policy requirements subject to what is reasonably practicable in each set of circumstances:

- Risk Registers
- Specifications
- Safe Work Method Statements
- Work Health and Safety Management Plan
- Records of Incidents
- Forms 1 – 7 (accompanying this Guideline)

6. Roles and responsibilities

For roles and responsibilities in relation to contractor safety management, refer to [DPTI Contractor Safety Roles, Responsibilities and Relationships Guideline](#).

7. Supporting documentation

- [Form 1: Contractor Pre contract/Preferred Evaluation](#)
- [Form 2: Pre Contract Risk Assessment](#)
- [Form 3: Contractor WHS Evaluation](#)
- [Form 4: SWMS checklist](#)
- [Form 5: Safety Management Plan checklist.](#)
- [Form 6: Contractor WHS Review](#)
- [Form 7: Contractor WHS Site Risk Exchange](#)

8. References

- [Work Health and Safety Act 2012 \(SA\)](#)
- [Work Health and Safety Regulations 2012 \(SA\)](#)
- [Code of Practice: Construction Work](#)
- [Code of Practice: Work Health and Safety Consultation, Co-operation and Co-ordination](#)
- [DPTI Contractor Safety Roles, Responsibilities and Relationships Guideline](#)

9. Appendix

- Appendix A: Further Information - Construction work, high risk construction work, construction projects and principal contractors
- Appendix B: Notifiable and Dangerous Incidents

10. Document Amendment Record

Date	Version	Revision Description
04 January 2019	1.0	Original Version
Document Review Schedule		3 Yearly

APPENDIX A: Further Information – Construction Work, High Risk Construction Work, Construction Project, Principal Contractor

Construction work: defined as 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. There are some exceptions such as testing, maintenance or repair work of a minor nature i.e. small scale work that does not impact on the existing design or stability of the building or structure.

High Risk Construction Work: construction work which involves one or more of a number of high risk activities, as defined in Regulation 291 of the *WHS Regulations 2012*. A SWMS is mandatory for High Risk Construction Work.

Examples of High Risk Construction Work are as follows:

Risk level	Work activity
High	<input type="checkbox"/> working at height (involves a risk of a person falling more than two metres)
	<input type="checkbox"/> work that involves powered mobile plant (forklifts, scissor lifts, cranes, EWP)
	<input type="checkbox"/> Working with high voltage or live (un-isolated) electricity
	<input type="checkbox"/> work in or near a tunnel or trench with an excavated depth greater than 1.5 metres (including boring)
	<input type="checkbox"/> working on or near chemical, fuel or refrigerant lines
	<input type="checkbox"/> working on, in or adjacent to a public road, railway or other vehicle traffic corridor
	<input type="checkbox"/> demolition of a load bearing structure or work otherwise related to the physical integrity of a structure
	<input type="checkbox"/> work that involves the disturbance of asbestos
	<input type="checkbox"/> structural repairs that require temporary support to prevent collapse
	<input type="checkbox"/> work carried out in or near a confined space
	<input type="checkbox"/> using explosives
	<input type="checkbox"/> working on or near pressurised gas distribution mains or piping
	<input type="checkbox"/> working in contaminated or flammable atmosphere
	<input type="checkbox"/> work that involves tilt-up or pre-cast concrete
	<input type="checkbox"/> work that involves artificial extremes of temperature
	<input type="checkbox"/> working in or near water or other liquid that involves a risk of drowning
	<input type="checkbox"/> diving work
	<input type="checkbox"/> structural repairs that require temporary support to prevent collapse
	<input type="checkbox"/> Other risks which could result in critical consequences if not managed

Construction Project: a project that involves construction work where the cost is \$450,000 or more. All Construction Projects must have a Principal Contractor. The Principal Contractor (as the person with management or control of a worksite) will generally assume the greater share of WHS responsibilities. For work that does not meet the definition of a Construction Project, no Principal Contractor need be appointed. In this scenario, the PCBU engaging a contractor is known as 'the principal' and standard contractor safety management relationships, roles and responsibilities apply as apportioned and agreed between the PCBUs taking into account the following principles:

- which party or parties has **management or control** of the workplace;
- which party or parties has the capacity or ability to **direct and influence** the workers;
- what is **reasonably practicable**; and
- contractual arrangements (as long as they do not contradict the above).

In addition to assuming the greater share of WHS responsibilities associated with a person with management or control of a worksite, Principal Contractors have a range of additional responsibilities.

Principal Contractor: As defined by Regulation 293 of the *WHS Regulations 2012 (SA)*, there must be a Principal Contractor for Construction Projects. A Principal Contractor will have management or control of the workplace and the duty to verify, so far as is reasonably practicable, that the workplace is without risks to the health and safety of any persons. A Construction Project may have only one Principal Contractor at any given time.

By default, the PCBU commissioning a Construction Project is the Principal Contractor for that project. A third party may be engaged as a Principal Contractor and authorised to have management and control of the workplace.

Where DPTI retains Principal Contractor status, it must abide by the responsibilities and duties of a Principal Contractor. Where third parties are engaged by DPTI as the Principal Contractor:

- DPTI (as 'the principal') maintains responsibilities to consult, coordinate and cooperate with the Principal Contractor to ensure that agreed safety systems and standards are applied effectively;
- any contract documentation must clearly stipulate the identity, roles and responsibilities of the Principal Contractor, the principal and any other PCBUs who are or may be party to the agreement (e.g. subcontractors who are or will be engaged by the Principal Contractor);
- DPTI (or its agent) must assess the capacity and capability of a contractor to discharge the duties of a Principal Contractor and retain evidence of this assessment.

While DPTI retains WHS responsibilities to ensure that a third party Principal Contractor has adequate safety systems and that those systems are being applied, it is important that representatives of DPTI do not carry out any actions that may suggest the assumption of management or control of the workplace.

For example, if a representative of DPTI is conducting a safety inspection of a worksite under the management or control of a Principal Contractor and identifies a subcontractor performing work without the required PPE then it should bring this to the attention of the subcontractor and the Principal Contractor's onsite supervisory resources but DPTI's role does not extend to directing the workers on how to perform their work. Workers on the site are under the direction of the Principal Contractor so DPTI's representative should not give work instructions directly to workers (except in the case of an emergency where harm is clearly imminent).

In addition to assuming the greater share of WHS responsibilities for a Construction Project, Principal Contractors have a range of additional responsibilities including:

- ensure signs are installed that:
 - show the Principal Contractor's name and telephone contact numbers (including an out of hours telephone number);
 - show the location of the site office for the project, if there is one; and
 - are clearly visible from outside the workplace, or the work area of the workplace, where the Construction Project is being undertaken;
- prepare and review the WHS management plan for the workplace, see (4.3.4);
- obtain SWMS before High Risk Construction Work commences;
- manage the specific risks to health and safety associated with:
 - the storage, movement and disposal of construction materials and waste at the workplace;
 - the storage of plant that is not in use; and
 - traffic in the vicinity of the workplace that may be affected by construction work carried out in connection with the construction, and essential services at the workplace.

APPENDIX B: Notifiable and dangerous incidents

As extracted from the Work Health and Safety Act 2012 (SA)

Part 3—Incident notification

35—What is a *notifiable incident*

In this Act—

notifiable incident means—

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident.

36—What is a *serious injury or illness*

In this Part—

serious injury or illness of a person means an injury or illness requiring the person to have—

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for—
 - (i) the amputation of any part of his or her body; or
 - (ii) a serious head injury; or
 - (iii) a serious eye injury; or
 - (iv) a serious burn; or
 - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping);
 - or
 - (vi) a spinal injury; or
 - (vii) the loss of a bodily function; or
 - (viii) serious lacerations; or
- (c) medical treatment within 48 hours of exposure to a substance, and includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind.

37—What is a *dangerous incident*

In this Part—

dangerous incident means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to—

- (a) an uncontrolled escape, spillage or leakage of a substance; or
- (b) an uncontrolled implosion, explosion or fire; or
- (c) an uncontrolled escape of gas or steam; or
- (d) an uncontrolled escape of a pressurised substance; or
- (e) electric shock; or
- (f) the fall or release from a height of any plant, substance or thing; or
- (g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations; or
- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or of any shoring supporting an excavation; or
- (j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) any other event prescribed by the regulations, but does not include an incident of a prescribed kind.