



OH&S Guidelines

Using Sub Contractors

Introduction

A sub-contractor on a construction site is working at height without the protection of a scaffold or safety harness. Who gets prosecuted? Typically, both the Principal Contractor and the sub-contractor face prosecution. But what if the individual who was undertaking the work is himself a sub-contractor to the firm supplying (say) the windows?

All three parties are likely to face prosecution.

Many members of the AGWA sub-contract out the installation of their product to a third party. If your company does this, then it does not relieve a company of its legal responsibilities for the safety of its sub-contractors while working on a construction site. This is, of course, a shared responsibility, but being prosecuted in good company does not relieve the pain.

Responsibilities for a Sub-contractor

What are the responsibilities of a company for a sub-contractor?

For a start, they include all responsibilities of any employer, including: Identifying, assessing, and controlling all hazards; providing a safe work place; providing safe work methods; providing adequate supervision and training; and having an adequate first aid and rehabilitation procedure. These responsibilities have to be implemented in consultation with employees.

There are some specific safety responsibilities that arise from undertaking construction work. These include:

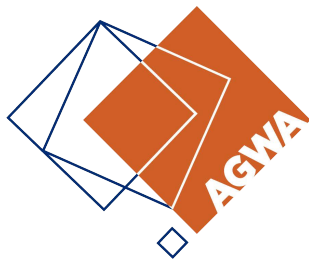
- Preparing a safe work method statement;
- Ensuring adequate induction including site induction, general induction into construction work, and work method induction;
- Control of hazardous substances;
- Plant registers;
- Testing and tagging of electrical appliances; and
- First aid.

Principal Contractors' Responsibilities

The principal contractor should not allow a sub-contractor (or any person) to commence work until these controls are in place. In addition, the principal would normally be obliged to prepare a detailed site safety management plan, including safe work method statements.

You should be aware that the legislative responsibilities of principal contractors and sub-contractors do vary from state to state. For example, in New South Wales, there can be only one "principal contractor" appointed by the owner, but in Queensland, "principal contractors" can be nominated for specific sections of the work, usually by the builder.

Frequently, the principal will specify how these responsibilities are to be met in their contractual documentation. For example, it is usual for the principal contractor to provide the site induction, but put the obligation to provide safe work method statements upon the sub-contractor.



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Managing Sub-contractors

If your contract specifies that you supply and install your product, the fact that you sub-contract out the installation stage, does not relieve you of your responsibilities to ensure that the work is undertaken safely.

To effectively manage these responsibilities it makes good sense to clearly define what you expect from your sub-contractors as far as safety is concerned.

A company using sub-contractors should clearly establish:

- Who prepares the safe work method statements;
- The induction and work method training required;
- The responsibility for reporting and controlling hazards and incidents;
- The responsibility for preparing risk assessments, plant registers, hazardous substance registers, and testing and tagging electrical equipment;
- How hazardous work is to be taken, including work at height and delivery arrangements; and
- The arrangements for consultation (e.g. tool box meetings, site safety committees, safety representatives).

You should establish how these controls are to be monitored, including who on your staff will audit and inspect your sub-contractor's compliance, and the reports you expect.

Don't forget to make arrangements to keep copy of all this documentation, and archive it after the project is complete. Documentation is extremely valuable if defending a prosecution or common law action.

The best defence is, of course, to get it right in the first place. Clearly documenting and defining what is required, and who is responsible, and then monitoring implementation, goes a long way towards establishing and maintaining a safe work place.

DISCLAIMER:

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