

Managing Safety in the Labour Hire Industry, It's Everybody's Responsibility

What is Labour Hire?

A labour hire arrangement is when an organisation which specialises in providing labour (the labour hire agency) provides people to work for a host organisation (client), in the course of trade or business, under the general supervision and control of the client.

Labour hire arrangements are usually characterised by three main criteria:

1. There is an agreement between the client and the labour hire agency which includes remuneration for the supply of labour
2. There is a contract of employment between the labour hire agency and the worker
3. There is no contract of employment between the client and the worker.

Who has responsibility for controlling the risks?

Duty of Care

Both the labour hire agency and the host employer have responsibilities for the safety and welfare of workers. The labour hire agency can't 'pass on' its legal duty of care and likewise a host employer can't 'contract out' its duty of care.

Labour Hire Agency

Labour hire agencies have a legal obligation to ensure that the workplace and the activities that a worker undertakes are safe, prior to placing the worker with the client. The labour hire agency should also continue to monitor the workplace safety throughout the duration of that placement. The following information provides an outline of the responsibilities:

- Ensure a workers compensation policy is in place to cover workers in the event of workplace injury or illness.
- Ensure staff have adequate training to manage worker placement (selecting the right worker for the job, matching skills and competencies).
- Gather information about the client's operations, hazards, Occupational Health and Safety (OH&S) performance and their approach to managing safety in the workplace.
- Obtain information about what activities the worker is to undertake. This should include any plant or equipment to be operated, materials and substances to which the worker could be exposed and specific hazards associated with the work environment or tasks they are to undertake.
- Match the worker to the job. Ensure they have the relevant qualifications, skills, experience and training to conduct the job. Ensure the worker has the appropriate and current licences, where required.
- Obtain information about the work environment. Visit the workplace, identify hazards that the worker may be exposed to and establish if these hazards have been adequately controlled.

Monitor the placement on an ongoing basis. The number of visits should reflect the potential risk of the placement. Ensure that safety requirements have been implemented as expected and no new risks have arisen.

Host Employers

As a host employer you have a duty of care to provide a safe working environment for all workers. The following is a brief summary to outline the responsibilities of a host employer:

- Ensure the work environment is safe. This should include all plant and equipment, materials and substances, the general work environment and any activities that are to be undertaken by the worker.
- Verify that workers have the necessary, skills, experience and licences (where required) to perform the job safely.
- Include labour hire workers in all workplace consultative arrangements, such as pre start and toolbox meetings. Introduce workers to any Safety Representatives and persons with OH&S responsibilities in their immediate work area.

If the host employer does not provide a safe place of work, personnel should not be provided.

- Provide adequate supervision to labour hire workers and ensure that work is being conducted safely.
- Inform the labour hire agency if there is any change to the workplace that will impact on labour hire personnel and DO NOT transfer any workers to another role without prior consultation with the labour hire agency.
- Encourage labour hire workers to maintain contact with the labour hire agency (their employer).
- Cooperate with the labour hire agency to help them meet their OH&S obligations.
- Ensure the labour hire agency has access to the workplace and any relevant safety related documents to enable them to assess the workplace.

The Worker

- Follow all safety rules and procedures outlined by the host employer.
- Do not conduct work outside of the delegated tasks.
- Ensure all injuries are reported to the employer (labour hire agency) and the host employer.
- Report any hazards to the host employer and the labour hire agency.
- The worker should take reasonable care of their own safety and health and that of others in the workplace.

Joint Responsibilities to Ensure a Safe Placement

- Consult. Ensure clear and effective consultative arrangements are established. Understand all stakeholders role and have a clear process for issue resolution.
- Jointly conduct workplace reviews. Establish clear guidelines on how hazards will be addressed and jointly implement control measures to ensure a safe working environment.

- **Induct the worker.** This applies to both the labour hire agent and the host employer. Usually the labour hire agent will provide a general induction and the host employer will provide an induction specific to the workplace and the workplace hazards.
- Ensure that **arrangements for supervision are clear** and the level of supervision is adequate for the level of risk for the tasks to be undertaken.
- **Know the role.** Ensure it is clear who will be responsible for issues such as the provision of Personal Protective Equipment (PPE), ongoing training etc.

Like to Know More

If you would like to know more about Duty of Care as a Labour Hire Employer or you would like a copy of our assessment tools contact your local OH&S Risk Management Consultant.

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