



# A GUIDE FOR LABOUR HIRE WORKERS, GROUP TRAINING APPRENTICES AND TRAINEES

SAFework NSW

AUGUST 2021



LET'S TALK SAFETY





## WHAT IS THIS GUIDE ABOUT?

This guide is designed to assist labour hire workers, group training apprentices and trainees to understand work health and safety (WHS) rights and responsibilities when beginning work.

## WHAT IS LABOUR HIRE AND GROUP TRAINING?

Labour hire agencies supply workers to other businesses on a fee or contract basis. These arrangements can also be known as temping, contracting, on-hire agency work or labour supply. Group training organisations employ and provide apprentices and trainees to host workplaces.



# INFORMATION TO HELP LABOUR HIRE WORKERS, GROUP TRAINING APPRENTICES AND TRAINEES STAY SAFE

You are about to go to work for a labour hire agency or a group training organisation. Here are some things you should know:

## KEY PEOPLE IN THE LABOUR HIRE INDUSTRY

- **A labour hire agency** is the person conducting a business or undertaking (PCBU) that has recruited you and is paying you.
- **A group training organisation (GTO)** is like a labour hire agency and provides apprentices and trainees to suitable host workplaces.
- **A host PCBU** is the business who you are hired out to, and where you carry out work.
- **A health and safety representative (HSR)** is a worker elected or selected to represent the health and safety interests of workers within their workgroup for a business (PCBU).

## KEY TERMS

- **Induction** is the instruction a new worker is given about a workplace's health and safety and how to perform work tasks safely.
- A **'Person Conducting a Business or Undertaking' (PCBU)** is a broad term used to describe a business, employer or an organisation, sole trader or partnership.
- **Work Health and Safety (WHS)** involves the management of risks to the health and safety of everyone in the workplace .

# LABOUR HIRE AGENCY AND GROUP TRAINING ORGANISATION WHS DUTIES

Your labour hire agency or group training organisation is your direct employer, even though they will not always have direct control or management of the workplace where you are working. They have a duty to ensure the workplace and its operations are safe before you start work. They also need to monitor your physical and psychological health and safety throughout the term of your placement.

The labour hire agency or group training organisation who appoints you must:

- provide you with a WHS induction before you start.
- assess the placement before you start work.
- monitor the workplace.
- consult with you and the host PCBU on WHS matters.

## INDUCTION

The labour hire agency or group training organisation must:

- provide you with an induction into how they do their work safely and the WHS systems that support this, e.g. their policies and procedures such as consultation, issue resolution, risk management, incident and injury reporting processes. The information provided to you should be practical and easy to understand.
- provide information to you about the host workplace and the work tasks you are to perform, including workplace hazards and the suggested controls. This is a general induction before your placement with the host PCBU.
- consult and verify with the host PCBU to ensure both site specific and task specific induction and training is provided to you in a way that is adequate and easy to understand.

## ASSESS THE PLACEMENT

The labour hire agency or group training organisation must:

- undertake an assessment of your ability to carry out the jobs you will be required to perform. The assessment should identify what level of information, instruction and supervision is required by the host PCBU for you to carry out each task safely.
- be confident that your qualifications and experience will enable you to undertake the work safely. If the job requires specific industry certification and licenses, they must ensure you have the appropriate certificates and current licences.
- adequately and competently assess the host workplace for any risks to health and safety, as appropriate.
- keep records of training to demonstrate that you have the required knowledge, skills and capabilities to safely carry out the roles assigned to you.

## MONITOR THE WORKPLACE

The labour hire agency or group training organisation must:

- continue to monitor the host PCBU throughout the term of the placement to ensure that health and safety requirements are being implemented and that no new or potential risks to your health and safety have arisen.
- where reasonable, undertake regular visits to the workplace to ensure no changes have occurred to the job role, task or environment that could affect your health and safety.

## CONSULTATION

The labour hire agency or group training organisation must:

- consult with you on WHS matters relevant to your job, ensuring that you understand the consultation process and how to report incidents and hazards.
- consult with the host PCBU to identify hazards, assess the risk and consider control measures.
- have an established consultation arrangement in place to ensure that you are adequately consulted with on WHS matters.

## HOST PCBU WHS DUTIES

The host PCBU should treat labour hire workers, group training apprentices and trainees as if they are their own employees with regards to health and safety.

The host PCBU must:

- provide you with a WHS induction before you start (specific to the workplace/site).
- consult with you and the labour hire agency or group training organisation on WHS matters. (both at the start and during your time working for the host PCBU).
- take reasonable steps to ensure risks are eliminated or are effectively managed as far as is reasonably practicable.
- monitor and review the effectiveness of measures to protect you while you are working.

## INDUCTION

The host PCBU must provide you with a workplace specific induction. This will usually cover all the work health and safety elements particular to the workplace and the tasks you will be performing. There is a checklist on what induction should cover at the end of this guide.

## CONSULTATION

It is essential that the host PCBU consults effectively with the labour hire agency or group training organisation and you on health and safety matters to ensure they provide a safe working environment. The host PCBU must ensure that you have been told about the regular health and safety consultation arrangements and encouraging you to participate.

## MANAGE RISK

Your host PCBU has a duty to ensure that the workplace and its operations are safe and without risks as far as is reasonably practicable. They are responsible for the health and safety of all workers and the public at their workplace, including you.

The host PCBU must:

- identify hazards associated with the work.
- assess and control risks.
- provide a safe work environment, and
- safe systems of work.

## RIGHTS AND RESPONSIBILITIES AS A LABOUR HIRE WORKER, GROUP TRAINING APPRENTICE OR TRAINEE

A labour hire worker, group training apprentice and trainee has the same health and safety rights as any other worker. These rights include:

- being provided a physically and psychologically healthy, and safe workplace.
- the right to refuse to perform unsafe work.
- being represented and consulted with about health and safety.
- being protected from discrimination if they raise a health and safety issue or concern.

All workers have a role and responsibilities in the workplace, which is covered in the *Work Health and Safety Act 2011*, section 28.

As a labour hire worker, group training apprentice or trainee this includes:

- taking reasonable care of your own health and safety
- taking reasonable care that your actions or inactions do not adversely affect the health and safety of others at work.
- cooperating with the labour hire agency or group training organisation and host PCBU by following any reasonable health and safety instructions, policies, and procedures relating to health and safety at the workplace.

## CONSULTATION

Consultation is mandatory for the discussion of health and safety matters in the workplace.

Workers are affected by decisions that PCBUs make, so they must be involved in all work health and safety decisions. Labour hire workers, group training apprentices and trainees have the same consultation rights as other workers.

Effective consultation between your labour hire agency or group training organisation, your host PCBU and yourself is essential to securing your safety at work.

Your labour hire agency or group training organisation and host PCBU must first consult with you before changing your duties or location. They must consult on the work you will be doing, the safety of the workplace, any equipment, machinery or substances you will be using, and who will supply any personal protective equipment you will need to perform the task.

Your labour hire agency or group training organisation should ensure the appropriateness of the host PCBU's WHS consultation arrangements as they relate to their workers and you.

## YOUR WORK

The labour hire agency or group training organisation must obtain details of the jobs to be carried out by you, including information about:

- any machinery or equipment you will operate.
- materials and substances to which you could be exposed.
- specific physical and psychological hazards associated with any operation or activity.
- job title, a summary of tasks, details of supervisor and hours of work.

Both the labour hire agency or group training organisation and the host PCBU must consider whether your qualifications and experience will enable you to undertake the task/work safely.

If the job requires relevant industry certification and licences, both the labour hire agency or group training organisation and the host PCBU must ensure you have the appropriate certificates and current licences.

Where a High-Risk Work Licence is required for the work, they must ensure you hold a current licence. In addition, they must ensure you have suitable and recent experience in the jobs to be carried out by you, including, where appropriate, use of the specific type of machinery or equipment the job requires.

## THE WORK ENVIRONMENT

The labour hire agency or group training organisation and the host PCBU must, as far as is reasonably practicable, provide and maintain a work environment that is without risks to your health and safety. This includes not only the physical work environment but also the psychosocial work environment.

The initial workplace assessment should be made by the labour hire agency or group training organisation before you are placed into work. The number of workplace visits required should reflect the degree of the potential risk to you. The higher the risk, the more often your labour hire agency or group training organisation should visit and assess your workplace and the tasks you are undertaking. During the workplace visits, the labour hire agency or group training organisation should assess the WHS risks to determine whether the existing controls are adequate for the tasks you are performing.

The labour hire agency or group training organisation and host PCBU have a joint responsibility to ensure your health and safety at the workplace.

If you feel the labour hire agency or group training organisation or host PCBU has failed to provide you with adequate induction, adequate training, workplace assessment, or you have concerns about your health and safety, and you do not feel comfortable speaking up to the labour hire agency or group training organisation or host PCBU, then you can **call SafeWork NSW on 13 10 50 for further advice.**



# INDUCTION CHECKLIST

AUGUST 2021

Job title

## Labour hire agency/group training organisation

Name

Mobile number

Address

## Host PCBU

Name

Contact name

Mobile number

Address

Hours of work per day

## YOUR INDUCTION SHOULD COVER THE FOLLOWING WHEN STARTING WORK:

Induction by your labour hire agency/group training organisation before you start at the workplace.

Workplace induction by the host PCBU.

Introduction to the supervisor and others you will be working with.

Introduction to the people who look after health and safety, e.g. your supervisor, first aid officer, mental health first aid officer or health and safety representative.

A tour of the workplace to show you the entry and exit points, toilets, meal room, and first aid room.

Places at the workplace you should not go and why.



How to do the job and ensure you understand the instructions.

How to use the machinery, equipment and substances so you can work safely and without risk.

Who to ask if you are unsure of what to do or need help.

Information on hazard identification and how to report any risks or work health and safety incidents and injuries.

Provision of all the safety equipment (personal protective equipment, i.e. PPE) you will need.

Instruction in the safe use of the PPE: how to wear it correctly, fit it (P2 mask), where to store it, how to get replacements and how to dispose of it correctly.

The location of the safety manuals, procedures, standard operating procedures (SOPs) and safe work procedures (SWPs).

Initial supervision on the tasks you are employed to undertake.

A contact to call if you are unable to come to work due to illness or injury.

How to call the fire brigade, police or ambulance, and the address for them to attend, including the nearest cross street.

What to do if there is an emergency, what the alarm sounds like and the location of the evacuation assembly point.

What the work health and safety consultation arrangements are for you.

How to raise a complaint or grievance if you have one, either with the host PCBU, your labour agency or group training organisation (other names include: Issue Resolution Procedure).

Any drug and alcohol policy you are to follow.

The contact details and information on the Employee Assistance Program (EAP) and relevant crisis support organisations.

Contact your labour hire agency/group training organisation in the first instance if you are not confident that all the above points have been covered during your induction, including whether your induction before starting at the workplace was relevant to the workplace and tasks you have been shown. You can also speak to your health and safety representative or your supervisor at the host PCBU.

# INDUCTION AND TRAINING RECORD

## INDUCTION AND TRAINING PERSONAL RECORD

You may like to use this template to record your training.

Don't forget to keep a copy (photo) of your certificates, and ensure they remain valid.

Task/job/skill/knowledge/ program/course	Date provided	Length hours/days	Provided by	Certificate received
E.g. Health and safety responsibilities				

## TRADE LICENCES

Many trade-based activities require you to be a licenced person. You should not undertake any such work if you do not have the appropriate licence. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) for further information.

## HIGH RISK WORK

A High-Risk Work (HRW) licence is required for the following plant, task or work:

- cranes
- forklifts
- hoists
- pressure equipment
- reach stacker
- scaffolding
- dogging
- rigging

You should not undertake any such work if you do not have the appropriate licence.

If you are asked to do this type of work and do not have a licence, discuss this with your supervisor or contact the HSR or your labour hire agency or group training organisation.

High-Risk Work licences are current for five years and are recognised nationally: you can work in any state or territory if you have a current High-Risk Work licence.





## FURTHER INFORMATION

If you are worried about anything to do with health and safety at work or about workers compensation, you can get further information and advice from the following:

### WORK HEALTH AND SAFETY

#### **SafeWork NSW**

Website: [safework.nsw.gov.au](https://safework.nsw.gov.au)

Email: [contact@safework.nsw.gov.au](mailto:contact@safework.nsw.gov.au)

Phone: 13 10 50

### WORKERS COMPENSATION

#### **State Insurance Regulatory Authority (SIRA)**

Website: [sira.nsw.gov.au](https://sira.nsw.gov.au)

Email: [contact@sira.nsw.gov.au](mailto:contact@sira.nsw.gov.au)

Phone: 13 10 50

### TRADES AND LICENCING

#### **NSW Fair Trading**

Website: [fairtrading.nsw.gov.au](https://fairtrading.nsw.gov.au)

Email: [www.fairtrading.nsw.gov.au/contact-us](https://www.fairtrading.nsw.gov.au/contact-us)

Phone: 13 32 20

If you need an interpreter, call the Telephone Interpreter Service on 13 14 50



#### Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety legislation in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

This material may be displayed, printed and reproduced without amendment for personal, in-house or non-commercial use.

Catalogue No. SW09405

SafeWork NSW, 92-100 Donnison Street, Gosford, NSW 2250

Locked Bag 2906, Lisarow, NSW 2252 | Customer Experience 13 10 50

Website [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

© Copyright SafeWork NSW 0721