

# HEADS OF WORKPLACE SAFETY AUTHORITIES

## PROJECT REPORT

### Labour Hire in Manufacturing (Food)

Version:	1
Print Date:	26/11/2007 11:53 AM
Release Date:	
Release State:	Initial
Approval State:	Draft
Approved by:	
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Reviewed by:	
Path Name:	C:\data\hwsa labour hire\
File Name:	Project Report Labour Hire in Manufacturing (Food)
Circulation List:	HWSA
Confidentiality Category:	Confidential

## TABLE OF CONTENTS

	<b>PAGE</b>
<b>1. Executive Summary</b>	<b>3</b>
<b>2. Introduction</b>	<b>4</b>
<b>3. Methodology</b>	<b>5</b>
3.1 Project Outcomes	
3.2 Project Approach	
<b>4. Guidance Material</b>	<b>5</b>
4.1 External Guidance Material	
4.2 Internal Guidance Material	
4.2.1 Evaluation Checklists	
4.2.2 Prompt Tools	
<b>5. Consultation</b>	<b>7</b>
5.1 Stakeholder Consultation	
<b>6. Education</b>	<b>7</b>
6.1 Delivery of presentations to stakeholders	
6.2 Delivery of guidance material	
<b>7. Workplace Visits</b>	<b>8</b>
7.1 Proposed Workplace Visits	
7.2 Identification of Workplaces	
7.3 Number of Workplace Visits Conducted	
7.4 Evaluation Checklist Results	
7.4.1 Evaluation Checklist Results – Labour Hire Agencies	
7.4.2 Evaluation Checklist Results – Host Employers	
7.5 Number of Notices Issued	
<b>8. Evaluation</b>	<b>18</b>
<b>9. Conclusion</b>	<b>21</b>
<b>10. Recommendations</b>	<b>22</b>
<b>11. Acknowledgements</b>	<b>22</b>

## ATTACHMENTS

<b>1. Evaluation Checklist</b>	<b>23</b>
<b>2. Raw data totals for Labour Hire Agency / Host Employer state</b>	<b>25</b>
<b>3. Raw data results for each participating state</b>	<b>27</b>

## 1. EXECUTIVE SUMMARY

In May 2006, the Heads of Workplace Safety Authorities nominated the Food Manufacturing Industry as the focus of the Labour Hire Project to be conducted in 2006/2007.

There was general agreement between the various state regulators that each jurisdiction had previously dealt with the labour hire sector in different ways, potentially resulting in a lack of clarity about OHS obligations owed by labour hire agencies and host employers.

The primary purpose of the project was to implement a national model for jurisdictional application of OHS obligations / duties in labour hire arrangements; and to measure compliance in a small sample of targeted high-risk host employer / labour hire agencies across the food manufacturing industry to establish baseline compliance data.

The compliance project model involved several phases. During the first phase external and internal guidance material was developed. The second and third phase included stakeholder consultation and education. In the fourth phase the workplace visits were conducted with the aim to establish baseline compliance baseline data, followed by an evaluation and collation of data.

During the period between March and July 2007, 185 workplace visits were conducted across six jurisdictions including: Victoria, New South Wales, Queensland, South Australia, Western Australia and Tasmania.

The most significant finding of the visits was a relatively high degree of compliance with legislation; however opportunities for improvement in systems of work exist nationally in relation to Induction, Training and Supervision, Pre-employment Placements and Ongoing Monitoring of labour hire workers.

In the view of the project Working Group the pilot project was a success. The strengths of the program included the cooperation between jurisdictions, the sharing of information, and the communication strategy.

One of the main barriers was the challenge, across all jurisdictions, of identifying host employers utilising labour hire workers.

Recommendations include that HWSA: consider the findings of the report, encourage jurisdictions to use the developed model, produce national guidance material that is nationally branded and consider a follow up campaign in two years across the broader manufacturing industry.

## 2. INTRODUCTION

In May 2006 the Heads of Workplace Safety Authorities initiated the Labour Hire in Food Manufacturing Compliance Project .

There was general agreement between the various state regulators that each jurisdiction has dealt with the labour hire sector in different ways. This may have resulted in a lack of clarity in relation to obligations owed by labour hire agencies and host employers.

The project aligns with the National OHS Strategy 2002-2012, particularly in terms of more effective sharing of OHS information, tools and approaches.

WorkSafe Victoria agreed to lead the campaign with the WA WorkSafe Division of the Department of Consumer and Employment Protection as the supporting lead agency. The following health and safety authorities conducted the Labour Hire in Food Manufacturing Project: New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania. The non-participating Territories (ACT & NT), Comcare and New Zealand were kept informed throughout the project.

The primary purpose of the project was to:

- implement a national model for jurisdictional application of OHS obligations / duties in labour hire arrangements; and
- measure compliance in a small sample of targeted high risk host employer / labour hire agencies across the food manufacturing industry to establish baseline compliance data.

The Labour Hire in Food Manufacturing Working Group was convened and met three times throughout the project. Meetings were held in July and October 2006 and in February 2007.

As part of the project, guidance material and checklists were developed in the first phase. The second and third phase included stakeholder consultation and education. In the fourth phase the workplace visits took place, followed by an evaluation and collation of data.

This report provides an overview of the planning, conduct and findings of the project.

## **3. METHODOLOGY**

### **3.1 Project Outcomes**

The anticipated outcomes of the project were identified in the project proposal and included:

- Development of an agreed model for jurisdictional application of OHS obligations and duties in labour hire arrangements
- Measurement OHS compliance in individual workplaces visited during audit phase of the project
- Share and maximise jurisdictional resources
- Document experiences from the national intervention future consideration
- Improve jurisdictional understanding of the drivers of and barriers to the effective management of risks associated with labour hire arrangements
- Timely implementation of national intervention

### **3.2 Project Approach**

The project included the following five phases:

- Development of nationally consistent guidance material
- Stakeholder consultation
- Education and information
- Workplace visits
- Evaluation and reporting

The next sections will provide further detail on each of these phases.

## **4. GUIDANCE MATERIAL**

### **4.1 External Guidance Material**

The Labour Hire in Food Manufacturing Project Working Group developed national guidance material based on existing Victorian information brochures for labour hire agencies and host employers.

Each jurisdiction produced guidance material for labour hire agencies and host employers. Changes were made to the Victorian information brochures by each jurisdiction including: references to particular legislation, references to other documents and checklists, and changes to the terminology used by different jurisdictions. Victoria created these summary style information brochures on the basis of its, "Placing Workers in Safe Workplaces – Safety management systems guide for labour hire agencies"; a guide adapted from the South Australian labour hire guidance material, "Placing Workers in Safe Workplaces."

Western Australia included the definition of labour hire arrangements in the WA *Occupational Safety and Health Act 1984* and Queensland included a number of checklists referred to in the Victorian information brochure.

Each jurisdiction adapted the information brochures to their own corporate style. The information brochures were made available by each jurisdiction in both hard copy and electronically.

## **4.2 Internal Guidance Material**

### **4.2.1 Evaluation Checklists**

The Project Working Group developed Evaluation Checklists for both labour hire agencies and host employers, to assist inspectors and relevant stakeholders in identifying areas applicable to labour hire arrangements.

The Evaluation Checklists focused on three main areas including:

- Induction, Training and Supervision
- Pre-Placement OHS Assessments
- Ongoing Monitoring and Consultation

For each question the inspector was asked to provide a rating as follows:

- 1 = Very Poor
- 2 = Poor
- 3 = Satisfactory
- 4 = Good
- 5 = Very Good

The participating jurisdictions were requested to provide the completed Evaluation Checklist data collation summary form to the National Project Coordinator. An analysis of the data is provided in Section 7 of this report.

A copy of the Evaluation Checklist is included in Attachment 1.

### **4.2.2 Prompt Tools**

To ensure that inspectors in different jurisdiction had a similar understanding of the questions in the Evaluation Checklists, and to provide guidance to inspectors, separate Prompt Tools were developed for labour hire agencies and host employers.

Each cluster of questions in the Prompt Tool related to one question in the Evaluation Checklist. Inspectors were requested to use the Prompt Tool to ensure that questions in the Evaluation Checklist were interpreted in a consistent way throughout the jurisdictions.

The last section of the Prompt Tool was jurisdiction specific, to allow inspectors to ask specific questions relating to the local legislation.

The Prompt Tools were for inspector use only to assist them in completing the Evaluation Checklist. The Prompt Tools were not collected on a national level.

## **5. CONSULTATION**

### **5.1 Stakeholder Consultation**

During the consultation phase, the Labour Hire in Food Manufacturing Project Working Group identified national stakeholders. Each jurisdiction identified local stakeholders.

On a national level, stakeholders were informed in writing about the Labour Hire in Food Manufacturing project in November 2006. WorkSafe Victoria forwarded information about the project to the national stakeholders, including the Australian Chamber of Commerce and Industry (ACCI), the Australian Council of Trade Unions (ACTU), the Recruitment and Consulting Services Association (RCSA) and the Australian Industry Group (AiGroup).

Local stakeholders (including businesses identified for potential workplace visits) were informed in writing by each jurisdiction between December 2006 and February 2007 and a media statement was released by each jurisdiction early February 2007. In some cases, such as in South Australia, employer and employee representatives received pre compliance visits as part of the pilot compliance project information phase.

## **6. EDUCATION**

### **6.1 Delivery of Presentation to Stakeholders**

Various methods were used across the jurisdictions to inform stakeholders about the Labour Hire in Food Manufacturing Project, including education forums for groups of industry representatives and presentations to stakeholders.

### **6.2 Delivery of guidance material**

Guidance material was distributed in a variety of manners by the participating jurisdictions including:

- Hard copies were sent to the relevant industries by mail with a cover letter
- Hard copies were provided during information sessions
- Hard copies were handed out during workplace visits
- Electronic copies were provided on the websites of the jurisdictions
- Electronic copies were emailed to relevant stakeholders

## **7. WORKPLACE VISITS**

### **7.1 Proposed number of workplace visits**

During the planning stage a targeted number of approximately 250 workplace visits was proposed in line with the size and work conducted in the different jurisdictions.

The general focus of the project was to measure compliance in high-risk host employer/labour hire agencies across the food manufacturing industry.

Victoria, Queensland and Western Australia focused their workplace visits on labour hire workers placed in the meat and/or poultry industry. The meat and poultry industry were identified as high-risk host employer workplaces, based on workers compensation data. The remaining jurisdictions focused their workplace visits on labour hire workers in general food manufacturing.

### **7.2 Identification of workplaces**

Information from a number of sources was used by each jurisdiction to identify labour hire agencies placing workers in the food manufacturing industry. The following methods were used by the participating jurisdictions:

- Review of workers compensation data
- Direct telephone contact with host employers in food manufacturing industry to identify the use of labour hire agencies in the industry
- Purchase of industry lists from commercial provider
- Local workplace safety authority staff knowledge

Most jurisdictions experienced difficulty with identifying the relevant labour hire agencies for host workplaces in the food manufacturing industry. This type of information is not readily available from sources other than the host employer.

Most workplace health and safety authorities do not keep specific data about which host employers currently use labour hire agencies as a source of workers. Neither do they have a method of capturing information about when a host employer changes its provider of labour hire agency workers. In addition, there is no specific commercial source for this data.

The use of labour hire workers in industry is generally short term and host employers may change labour hire agency providers for a number of commercial reasons.

### 7.3 Number of Workplace Visit Conducted

In total 185 workplace visits were conducted in the six participating jurisdictions. 43% of visits were to labour hire agencies and 57% of visits were to host employers.

While the general project model involved a visit to the host employer and a visit to the labour hire agency, the division of visits was not fifty-fifty. The results showed that across all jurisdictions a number of unrelated host employers used the same labour hire agency. An overview of the number of workplace visits conducted at labour hire and host employer workplaces is provided in Table 3.

**Table 3: Number of workplace visits**

Jurisdiction	Labour Hire Workplace Visits	Host Employer Workplace Visits	Total Number Workplace Visits
VIC	10	16	26
NSW	23	26	49
QLD	16	29	45
SA	10	15	25
WA	15	15	30
TAS	5	5	10
<b>Nation wide</b>	<b>79</b>	<b>106</b>	<b>185</b>

### 7.4 Evaluation Checklist Results

The questions in the Evaluation Checklists focused on three main areas including:

- Induction, Training and Supervision
- Pre-Placement OHS Assessments
- Ongoing Monitoring and Consultation

For each question the inspector was asked to provide a rating as follows:

- 1 = Very Poor
- 2 = Poor
- 3 = Satisfactory
- 4 = Good
- 5 = Very Good

It should be noted that the responses relate to the opinion of the inspector.

The data was collated from all jurisdictions and is presented in the tables below (4.1 – 4.6). The numbers in bold show the highest percentage value rating for each question. This is for ease of visual analysis only.

Due to the relatively small sample size the pilot project has essentially been a bench marking exercise, investigating existing levels of OHS performance. In addition, based on the small sample size, it is only possible to suggest emerging trends or themes in relation to the results below.

The comments will highlight areas that scored “Good” and “Very Good” and will focus on areas that scored “Satisfactory”, “Poor” and “Very Poor”.

A ranking of “Satisfactory” and below indicates the existence of opportunities for improvement.

### 7.4.1 Evaluation Checklist Results - Labour Hire Agencies

#### Induction, Training and Supervision - Labour Hire Agencies

A relatively large number of labour hire agencies were assessed as having ‘Good’ to ‘Very Good’ systems in place for Induction, Training and Supervision. The table below shows that between 61% and 81% of the total evaluation responses for each individual question were ranked as ‘Good’ to ‘Very Good’. This is a promising result, particularly in relation to the ‘provision of generic OHS induction by the agency’.

Between 19% and 39% of the total evaluation responses for each question were ranked as ‘Satisfactory’ or below. According to the table below the areas showing the greatest opportunity for improvement were:

- ‘agency ensuring that workers are supervised’ and
- ‘agency has ensured that the worker receives workplace specific OHS induction and task specific training’.

Table 4.1: Induction, Training and Supervision

<b>PART A - LABOUR HIRE AGENCY OR GROUP TRAINING – TOTAL</b>					
<b>Induction, Training and Supervision</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
Q1a Labour hire staff have received generic OHS induction/training from the agency	1%	5%	13%	<b>52%</b>	29%
Q1b The agency has ensured that the worker receives workplace specific OHS induction and task-specific training		12%	25%	<b>34%</b>	29%
Q1c The agency has ensured that workers are supervised		5%	<b>34%</b>	28%	33%

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4= good, 5 = very good.

#### Pre Placement OHS Assessment - Labour Hire Agencies

The table below shows that between 58% and 66% of the total evaluation responses for each individual question were ranked as ‘Good’ to ‘Very Good’. This is a promising result, particularly in relation to the area of ‘pre placement OHS assessment is conducted (by the agency)’.

However, between 34% and 42% of the total evaluation responses for each question were ranked as 'Satisfactory' or below. According to the table below the area showing the greatest opportunity for improvement was 'agency has ensured risks to labour hire workers are controlled'.

Table 4.2: Pre-placement OHS Assessment

<b>PART A - LABOUR HIRE AGENCY OR GROUP TRAINING – TOTAL</b>					
<b>Pre-placement OHS Assessment</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
<b>Q2a</b> The agency matches the worker to the job (consider qualifications/ competencies & job requirements)		5%	32%	<b>35%</b>	28%
<b>Q2b</b> Prior to all labour hire workers commencing work at the host employer – a pre-placement OHS assessment is conducted		7%	27%	<b>42%</b>	24%
<b>Q2c</b> The agency has ensured risks to labour hire workers are controlled		13%	29%	<b>37%</b>	21%
<b>Q2d</b> The pre-placement OHS assessment was conducted by a competent person (OHS qualifications/knowledge, etc.)	1%	13%	22%	<b>44%</b>	20%

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4= good, 5 = very good.

#### Ongoing Monitoring and Consultation with Labour Hire Workers at Host Employer workplaces – Labour Hire Agencies

The table below shows that between 61% and 76% of the total evaluation responses for each individual question were ranked as 'Good' to 'Very Good'. This is a positive result, particularly in relation to the areas of:

- 'agency has a system to allow it to be notified by the host of incidents & injuries to its staff' and
- 'the agency has evidence that it investigates accidents or incidents'.

Between 24% and 39% of the total evaluation responses for each question were ranked as 'Satisfactory' or below.

According to the table below the areas showing the greatest opportunity for improvement were:

- 'effective consultative arrangements are in place with labour hire workers and the host employer' and
- 'the agency monitors and assesses tasks of the working, including change of task'.

Table 4.3: Ongoing Monitoring and Consultation with Labour Hire Workers at Host Employer workplaces

<b>PART A - LABOUR HIRE AGENCY OR GROUP TRAINING – TOTAL</b>					
<b>Ongoing Monitoring and Consultation with Labour Hire Workers</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
<b>Q3a</b> The agency conducts on-going monitoring of the risks at the host workplace		6%	29%	<b>41%</b>	24%
<b>Q3b</b> The agency monitors and assesses tasks of the worker, including change of task		6%	32%	<b>37%</b>	25%
<b>Q3c</b> Effective consultative arrangements are in place with labour hire workers and the host employer		7%	<b>32%</b>	<b>32%</b>	29%
<b>Q3d</b> Labour hire workers are involved in OHS matters at the host workplace		5%	29%	<b>43%</b>	23%
<b>Q3e</b> The agency has a system to allow it to be notified by the host of incidents and injuries to its staff		4%	20%	<b>43%</b>	33%
<b>Q3f</b> The agency has evidence that it investigates accidents or incidents		1%	24%	<b>47%</b>	28%
<b>Q3g</b> The agency ensures that PPE is identified and provided to workers		5%	22%	34%	<b>39%</b>

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4= good, 5 = very good.

## 7.4.2 Evaluation Checklist Results – Host Employers

### Induction, Training and Supervision - Host Employers

The table below shows that between 55% and 68% of the total evaluation responses for each individual question were ranked as 'Good' to 'Very Good'. This is a good result, particularly in relation to the area of 'labour hire workers are adequately supervised by the host'.

Between 32% and 45% of the total evaluation responses for each question were ranked as 'Satisfactory' or below.

According to the table below the area showing the greatest opportunity for improvement was 'labour hire staff has received task-specific OHS training and instruction by the host'.

**Table 4.4: Induction, Training and Supervision**

<b>PART B - HOST EMPLOYER – TOTAL</b>					
<b>Induction, Training and Supervision</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
<b>Q1a</b> Labour hire staff has received workplace specific OHS induction by the host prior to commencing work	2%	9%	<b>30%</b>	29%	<b>30%</b>
<b>Q1b</b> Labour hire staff has received task-specific OHS training and instruction by the host	1%	10%	<b>34%</b>	28%	27%
<b>Q1c</b> Labour hire workers are adequately supervised by the host		4%	28%	<b>37%</b>	31%

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4= good, 5 = very good.

#### Pre Placement OHS Assessment - Host Employers

The table below shows that between 50% and 68% of the total evaluation responses for each individual question were ranked, as 'Good' to 'Very Good'. This is a positive result, particularly in relation to the area of 'host has a system in place to control risks in the workplace'.

However, between 32% and 50% of the total evaluation responses for each question were ranked as 'Satisfactory' or below. According to the table below the area showing the greatest opportunity for improvement was 'pre placement OHS assessment is conducted prior to the labour hire worker commencing'.

**Table 4.5: Pre-placement OHS Assessment**

<b>PART B - HOST EMPLOYER – TOTAL</b>					
<b>Pre-placement OHS Assessment</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
<b>Q2a</b> The host employer considers the qualifications/ competency of the labour hire worker or contractor prior to start of work	1%	5%	<b>41%</b>	32%	21%
<b>Q2b</b> A pre-placement OHS assessment is conducted prior to the labour hire worker commencing	3%	7%	<b>40%</b>	30%	20%
<b>Q2c</b> The host has systems in place to control risks in the workplace		8%	24%	<b>41%</b>	27%

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4= good, 5 = very good.

## Ongoing Monitoring and Consultation with Labour Hire Workers at Host Employer workplaces - Host Employers

The table below shows that between 55% and 76% of the total evaluation responses for each individual question were ranked, as 'Good' to 'Very Good'. This is a promising result, particularly in relation to the areas of:

- 'the host notifies the agent of incidents and injuries to their labour hire workers' and
- 'the host ensures that PPE is identified and provided to workers'.

Between 25% and 45% of the total evaluation responses for each question were ranked as 'Satisfactory' or below. According to the table below the area showing the greatest opportunity for improvement was 'the agent is notified of changes to tasks'.

Two additional areas showing opportunities for improvement also emerged. These were as follows:

- 'effective consultative arrangements are in place with labour hire workers and the labour hire agency' and
- 'labour hire workers are involved in decisions on OHS matters'.

**Table 4.6: Ongoing Monitoring and Consultation with Labour Hire Workers at Host Employer workplaces**

<b>PART B - HOST EMPLOYER – TOTAL</b>					
<b>Ongoing Monitoring and Consultation with Labour Hire Workers</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5<sup>1)</sup></b>
<b>Q3a</b> The agency monitors risks to labour hire workers in consultation with the host	3%	5%	34%	<b>37%</b>	21%
<b>Q3b</b> The worker is provided with induction, training and supervision if there is a change of task	1%	3%	<b>39%</b>	34%	23%
<b>Q3c</b> The agent is notified of changes to tasks	4%	6%	<b>41%</b>	29%	20%
<b>Q3d</b> Effective consultative arrangements are in place with labour hire workers and the labour hire agency	1%	11%	32%	<b>33%</b>	23%
<b>Q3e</b> Labour hire workers are involved in decisions on OHS matters	4%	5%	<b>36%</b>	34%	21%
<b>Q3f</b> The host notifies the agent of incidents and injuries to their labour hire workers		1%	23%	<b>41%</b>	35%
<b>Q3g</b> The host employer investigates injuries to labour hire workers	1%	3%	24%	<b>37%</b>	35%
<b>Q3h</b> The host ensures that PPE is identified and provided to workers		1%	24%	<b>39%</b>	36%

<sup>1)</sup> 1 = very poor, 2 = poor, 3 = satisfactory, 4 = good, 5 = very good.

## 7.5 Number of Notices Issued

Where inspectors identified breaches of the legislation, relevant notices were issued to employers. This enforcement action was undertaken in line with each jurisdiction's local compliance and enforcement policy. This in part accounts for the distribution of the number of notices issued across various jurisdictions.

On a number of occasions opportunities for improvement were identified, however these were not necessarily breaches of the relevant legislation.

As part of the workplace visits, information was provided on how to manage joint OHS responsibilities in labour hire arrangements.

In total 42 notices were issued to labour hire and host employer workplaces. 50% of the notices were issued to labour hire agencies and 50% of the notices were issued to host employers.

### 7.5.1 Number of Notices – Labour Hire Agencies

In total 21 improvement notices were issued to labour hire agencies. 48% of the notices were issued in relation to Induction, Training and Supervision, 33% of the notices were issued in relation to Pre-placement OHS Assessment and 19% of the notices were issued in relation to Ongoing Monitoring and Consultation.

WorkSafe WA issued 57% of the notices. It is interesting to note that the WA *Occupational Safety and Health Act 1984* contains a specific provision in relation to labour hire arrangements. WA is the only jurisdiction that has a specific labour hire provision in their Act.

An overview of the number of workplace notices to labour hire agencies is provided in Table 5.

**Table 5: Number of Notices issued to Labour Hire Agencies**

Jurisdiction	Labour Hire Agency Induction, Training and Supervision Notices	Labour Hire Agency Pre-placement OHS Assessment Notices	Labour Hire Agency Ongoing Monitoring and Consultation Notices
NSW	2	1	2
VIC	0	0	0
QLD	0	0	0
SA	3	0	1
WA	5	6	1
TAS	0	0	0
<b>Nation wide</b>	<b>10</b>	<b>7</b>	<b>4</b>

## 7.5.2 Number of Notices – Host Employer

In total 21 improvement notices were issued to host employers. 43% of the notices were issued in relation to Induction, Training and Supervision, 19% of the notices were issued in relation to Pre-placement OHS Assessment and 38% of the notices were issued in relation to Ongoing Monitoring and Consultation.

It is interesting to note that SafeWork SA issued 48% of the notices to host employers.

An overview of the number of workplace notices to host employers is provided in Table 6.

**Table 6: Number of Notices issued to Host Employers**

<b>Jurisdiction</b>	<b>Host Employer Induction, Training and Supervision Notices</b>	<b>Host Employer Pre- placement OHS Assessment Notices</b>	<b>Host Employer Ongoing Monitoring and Consultation Notices</b>
NSW	0	1	1
VIC	1	0	0
QLD	1	0	2
SA	5	1	4
WA	2	2	1
TAS	0	0	0
<b>Nation wide</b>	<b>9</b>	<b>4</b>	<b>8</b>

## 8. PROJECT EVALUATION

The project evaluation involved a review of the process and the impact of the project. The set performance indicators were also measured.

The process evaluation involved the inspectors and Project Working Group members providing constructive comment on the implementation of the project and the associated workplace visit tools. The impact evaluation included the inspectors' assessment of the OHS performance of visited workplaces and a telephone survey of a small sample of the workplaces visited.

A summary of the evaluation related back to the set performance indicators is provided in table 7 on the next page.

Feedback provided by employers during visits and as part of the telephone survey included:

- Both labour hire agencies and host employers rated the guidance material as good to very good. The material was seen as useful, relevant and clearly outlining the requirements and clarifying joint obligations and responsibilities.
- As a result of the project improvements in relation to OHS were implemented by a number of labour hire agencies and host employers.
- Generally the project was well received. The information provided was valuable to all concerned and the approach of inspectors in providing advice and guidance was also commented upon favourably.

The main feedback provided by inspectors and Project Working Group Coordinators was:

- The evaluation checklist was generally considered a very effective and user-friendly tool to verify and capture information on the levels of OHS compliance at workplaces visited.
- The prompt tool was considered as a comprehensive and useful tool, which assisted inspectors in making assessments. The tool was generally rated as good to very good.
- The strengths of the project were:
  - A nationally coordinated compliance approach
  - The nationally consistent guidance material,
  - The proactive focus on building the capability of businesses to systematically manage OHS
- The project allowed the jurisdictions to work cooperatively to:
  - Present a consistent and coordinated approach to industry, especially for those businesses which operate across state borders
  - Provide industry with nationally consistent guidance material
  - Focus industry's attention on the joint obligations of host and labour hire agencies in ensuring the safety of labour hire workers.

- In jurisdictions where the inspector visited both the labour hire agency and the corresponding host employer, it was noted that this greatly assisted in validating the evidence provided as well as reinforce the joint obligations and responsibilities of both parties in such arrangements.
- A key driver of the project included the communication strategy - which involved: targeted mail outs, key stakeholder consultation, industry information sessions as well as the nationally consistent guidance material. This approach confirmed that the jurisdictions were working together to assist industry comply with OHS obligations.
- The main barrier identified by all jurisdictions was the lack of reliable data to identify high-risk businesses in food manufacturing involved in labour hire arrangements. It was noted by some jurisdictions that a relatively high number of employers in the initial target group were no longer utilising labour hire agency workers at the time of the project workplace visit.
- All members of the Project Working Group mentioned the excellent working relationship between the jurisdictions. The Project Working Group worked cooperatively and constructively and all members were given opportunities to express their views and have input to the project.

**Table 7: Summary Evaluation – Results Achieved**

OUTCOMES	PERFORMANCE INDICATORS	RESULTS ACHIEVED
1. Agreed model for jurisdictional application of OHS obligations/duties in labour hire arrangements.	Guidance material Inspector Prompt Tools & Evaluation Checklist Audit tools	Nationally consistent guidance material developed in each jurisdiction. Inspector workplace visit support tools – Prompt Tools & Evaluation Checklists developed.
2. Measure OHS compliance in individual workplace visited during audit phase of project.	Workplace visit results	185 workplace visits conducted during the project compliance phase.
3. Existing and current jurisdictional resources shared and maximised.	100% of jurisdictional resources considered	Achievement evidenced predominantly by the cooperation of the Working Group. Some jurisdictions reported difficulty in fully resourcing the field visit component given competing jurisdictional projects.
4. Experiences from the national intervention documented for future consideration in national and jurisdictional interventions.	Report includes experiences from intervention	Report includes experiences from the workplace visits.
5. Improved jurisdictional understanding of the drivers of and barriers to the effective management of risks associated with labour hire arrangements.	Report includes information on drivers and barriers identified during intervention	Report includes information on drivers and barriers identified as part of the project.
6. Timely implementation of national intervention.	100% of audits completed on time 100% of forums or presentations delivered and on time	The number of workplace visits conducted during the project was slightly below the target, due to the withdrawal of some jurisdictions and other competing commitments in some jurisdictions. Forums and presentations delivered in time.

## 9. CONCLUSION

In 2006/2007, the national HWSA Project in relation to Labour Hire in Food Manufacturing was successfully completed across six jurisdictions throughout Australia.

As part of the project, all jurisdictions worked cooperatively and constructively together to develop a national model for jurisdictional application of OHS obligations / duties in labour hire arrangements. National guidance material was adapted and published in each participating jurisdiction for both labour hire agencies and host employers. National workplace visit tools for inspectors were also developed.

Both labour hire agencies and host employers evaluated the guidance material as useful, relevant and clearly outlining requirements, joint obligations and responsibilities. Inspectors found the national workplace visit tools very effective and user friendly. It was also concluded that visiting both labour hire agency and host employer greatly assisted in focusing industry's attention on the joint obligations. The national communication strategy and the focus on education positively contributed to the success of the project.

As part of the project, 185 workplace visits were carried out by the participating jurisdictions. Due to the small size of the sample group, the conclusions relating to the data collected during the workplace visits are trends only, based on the overall data rather than as the results of cross jurisdictional comparisons.

The workplace visit data and the associated compliance and enforcement action show that overall the greatest levels of compliance for labour hire agencies were assessed as:

- Provision of generic OHS induction
- Pre placement OHS assessment
- Systems for incident reporting and investigation

The workplace visit data and the associated compliance and enforcement action show that overall the greatest levels of compliance for host employers were assessed as:

- Supervision of labour hire workers
- Systems in place for risk control
- Notifying the agent of incidents & injuries to their workers

While the overall workplace visit data reflects that the national level of compliance was assessed as being good, clear opportunities for improvement were identified. These areas of opportunity were predominantly related to:

- Agencies ensuring that risks to labour hire workers are controlled
- Host employers providing Pre-placement OHS assessment and task specific OHS training / instruction
- Both labour hire agency and host employers ensuring that effective consultative arrangements are in place with labour hire workers and the host employer

## 10. RECOMMENDATIONS

As a result of the project it is recommended that the Heads of Workplace Safety Authorities:

- Consider the findings of the report
- Encourage jurisdictions to use the national model for jurisdictional application of OHS obligations and duties in labour hire arrangements
- Consider a follow up campaign in two years across the broader manufacturing industry as a comparison against the current baseline data
- In future projects promote national guidance material that is nationally branded.

## 11. ACKNOWLEDGEMENTS

The Labour Hire in Food Manufacturing HWSA Working Group recognises the combined efforts required to successfully conduct the project. The support and assistance of the following people has been greatly appreciated:

- The participating inspectors for their combined efforts in conducting 185 workplace visits and providing valuable feedback in relation to the project as a whole
- The support staff from each authority
- The various stakeholders from each jurisdiction
- The representatives of non participating jurisdictions:

NT WorkSafe:	Neil Watson
ACT Workcover:	Steven Hart
Department of Labour (NZ):	Rex Moir
COMCARE:	Janette Davis

The Labour Hire in Food Manufacturing HWSA Project Working Group comprised:

Jurisdiction	Participants
New South Wales	Mini Menon & Daniel Beavon
Victoria	Belinda Lowing & David Rich
Queensland	Cameron Young & Letitia Robinson
South Australia	Ingrid Ormay & Chris Spinks
Western Australia	Carla van IJzendoorn
Tasmania	Jo Hendley & Geoff Price

**ATTACHMENT 1**

**HWSA Labour Hire Compliance Intervention – Evaluation Checklist**

Instructions: Inspectors to complete evaluation for either labour hire agency (Part A) OR host employer (Part B) and return to \_\_\_\_\_ by fax \_\_\_\_\_ or email \_\_\_\_\_.

Employer Name: \_\_\_\_\_ Visit Number: \_\_\_\_\_  
 Inspector: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_

**PART A – Labour Hire Agency or Group Training Company**

**Section One: Training and Supervision**

<b>Q1a</b>	Labour hire staff have received generic OHS induction/training from the agency	1	2	3	4	5 <sup>1)</sup>
<b>Q1b</b>	The agency has ensured that the worker receives workplace specific OHS induction and task-specific training	1	2	3	4	5
<b>Q1c</b>	The agency has ensured that workers are supervised	1	2	3	4	5

**Total number of notices issued for this section:**

**Section Two: Pre-Placement OHS Assessment**

<b>Q2a</b>	The agency matches the worker to the job (consider qualifications/competencies & job requirements)	1	2	3	4	5 <sup>1)</sup>
<b>Q2b</b>	Prior to all labour hire workers commencing work at the host employer – a pre-placement OHS assessment is conducted	1	2	3	4	5
<b>Q2c</b>	The agency has ensured risks to labour hire workers are controlled	1	2	3	4	5
<b>Q2d</b>	The pre-placement OHS assessment was conducted by a competent person (OHS qualifications/knowledge, etc.)	1	2	3	4	5

**Total number of notices issued for this section:**

**Section Three: On-going monitoring and Consultation with Labour Hire workers at host employer**

<b>Q3a</b>	The agency conducts on-going monitoring of the risks at the host workplace	1	2	3	4	5 <sup>1)</sup>
<b>Q3b</b>	The agency monitors and assesses tasks of the worker, including change of task	1	2	3	4	5
<b>Q3c</b>	Effective consultative arrangements are in place with labour hire workers and the host employer	1	2	3	4	5
<b>Q3d</b>	Labour hire workers are involved in OHS matters at the host workplace	1	2	3	4	5
<b>Q3e</b>	The agency has a system to allow it to be notified by the host of incidents and injuries to its staff	1	2	3	4	5
<b>Q3f</b>	The agency has evidence that it investigates accidents or incidents	1	2	3	4	5
<b>Q3g</b>	The agency ensures that PPE is identified and provided to workers	1	2	3	4	5

**Total number of notices issued for this section:**

Comments:

## HWSA Labour Hire Compliance Intervention – Evaluation Checklist

Instructions: Inspectors to complete evaluation for either labour hire agency (Part A) OR host employer (Part B) and return to \_\_\_\_\_ by fax \_\_\_\_\_ or email \_\_\_\_\_.

Employer Name: \_\_\_\_\_ Visit Number: \_\_\_\_\_  
Inspector: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_

### PART B – Host Employer

#### Section One: Training and Supervision

<b>Q1a</b>	Labour hire staff has received workplace specific OHS induction by the host prior to commencing work	1	2	3	4	5 <sup>1)</sup>
<b>Q1b</b>	Labour hire staff has received task-specific OHS training and instruction by the host	1	2	3	4	5
<b>Q1c</b>	Labour hire workers are adequately supervised by the host	1	2	3	4	5

**Total number of notices issued for this section:**

#### Section Two: Pre-Placement OHS Assessment

<b>Q2a</b>	The host employer considers the qualifications/ competency of the labour hire worker or contractor prior to start of work	1	2	3	4	5 <sup>1)</sup>
<b>Q2b</b>	A pre-placement OHS assessment is conducted prior to the labour hire worker commencing	1	2	3	4	5
<b>Q2c</b>	The host has systems in place to control risks in the workplace	1	2	3	4	5

**Total number of notices issued for this section:**

#### Section Three: On-going monitoring and Consultation with Labour Hire workers at host employer

<b>Q3a</b>	The agency monitors risks to labour hire workers in consultation with the host	1	2	3	4	5 <sup>1)</sup>
<b>Q3b</b>	The worker is provided with induction, training and supervision if there is a change of task	1	2	3	4	5
<b>Q3c</b>	The agent is notified of changes to tasks	1	2	3	4	5
<b>Q3d</b>	Effective consultative arrangements are in place with labour hire workers and the labour hire agency	1	2	3	4	5
<b>Q3e</b>	Labour hire workers are involved in decisions on OHS matters	1	2	3	4	5
<b>Q3f</b>	The host notifies the agent of incidents and injuries to their labour hire workers	1	2	3	4	5
<b>Q3g</b>	The host employer investigates injuries to labour hire workers	1	2	3	4	5
<b>Q3h</b>	The host ensures that PPE is identified and provided to workers	1	2	3	4	5

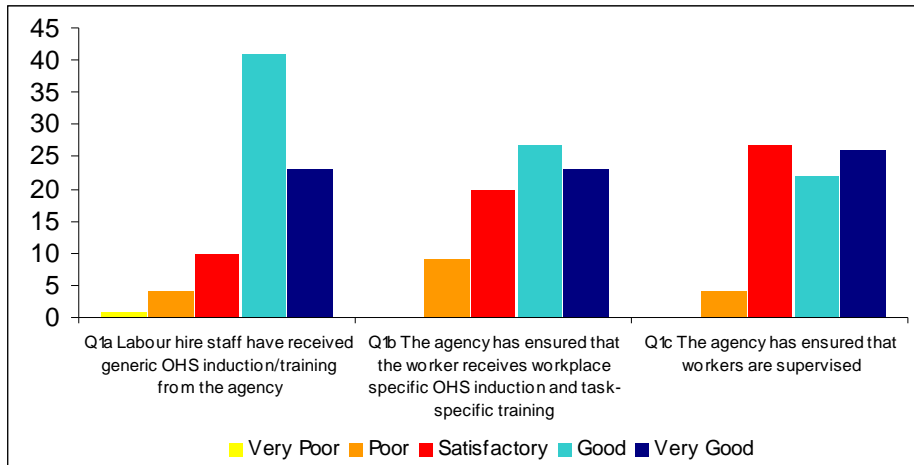
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Comments:

**ATTACHMENT 2**

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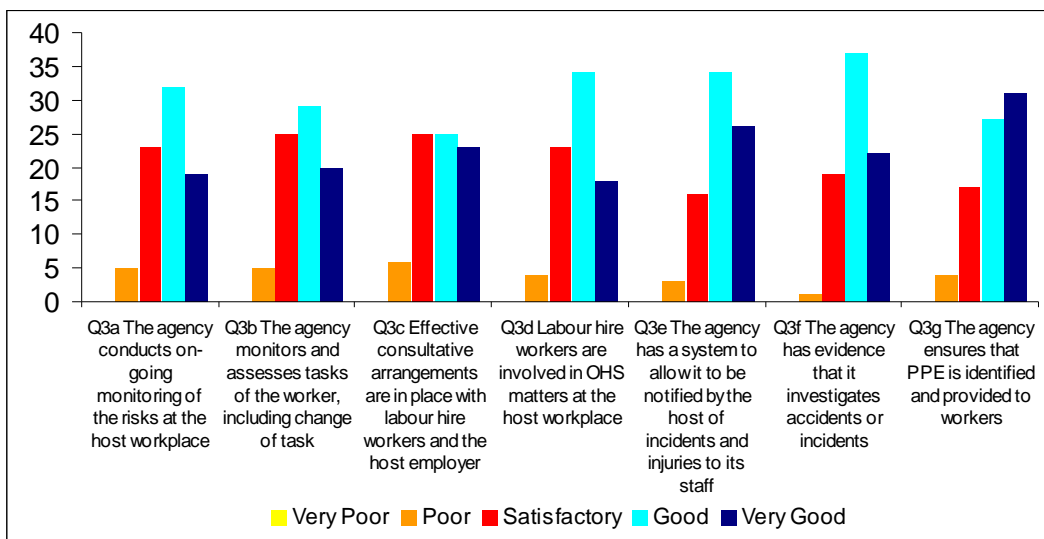
**Training & Supervision**



**Pre-Placement OHS Assessment**

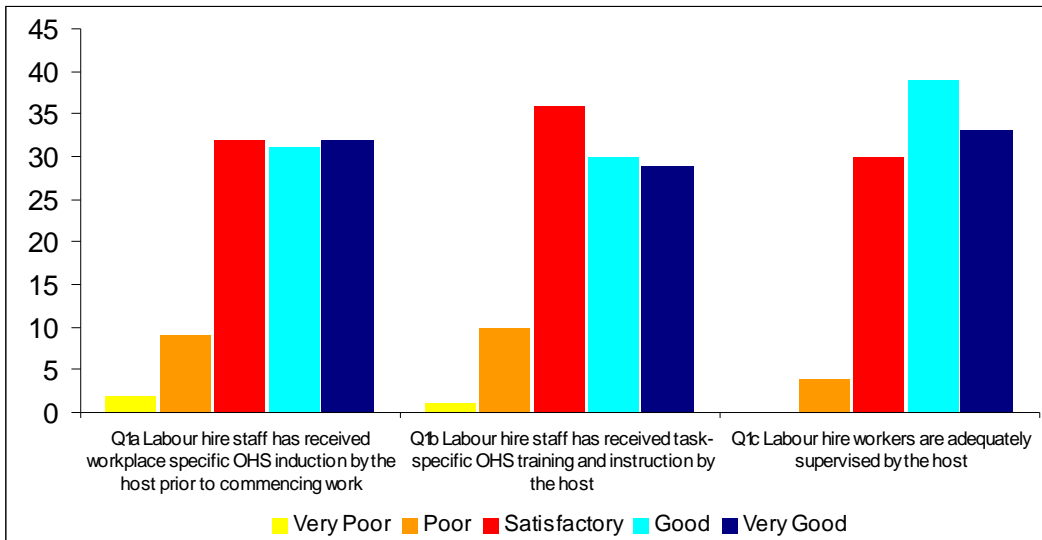


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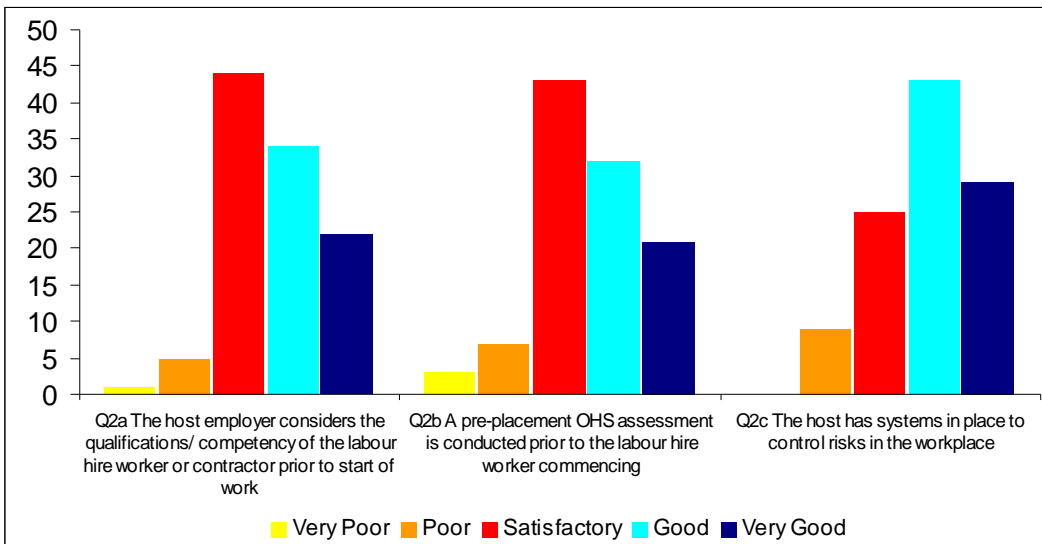


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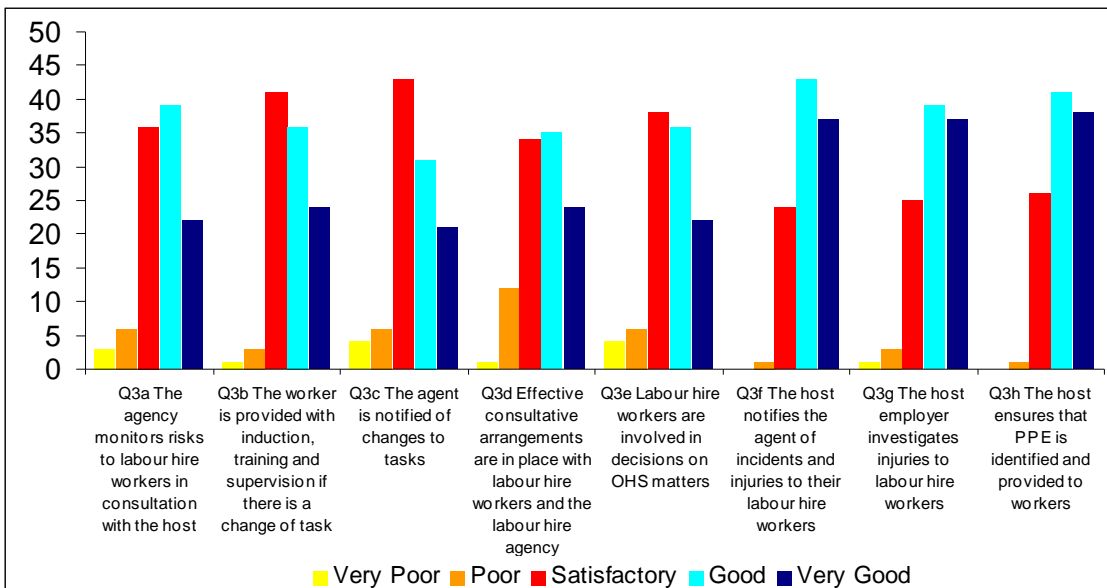
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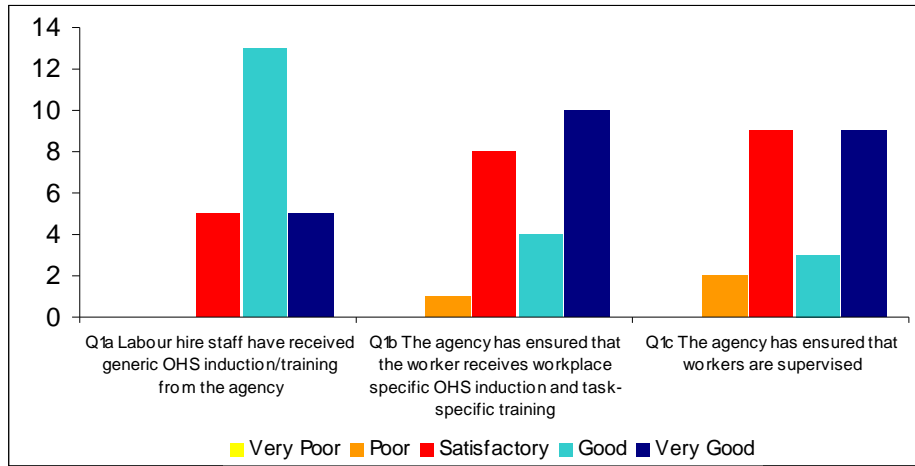


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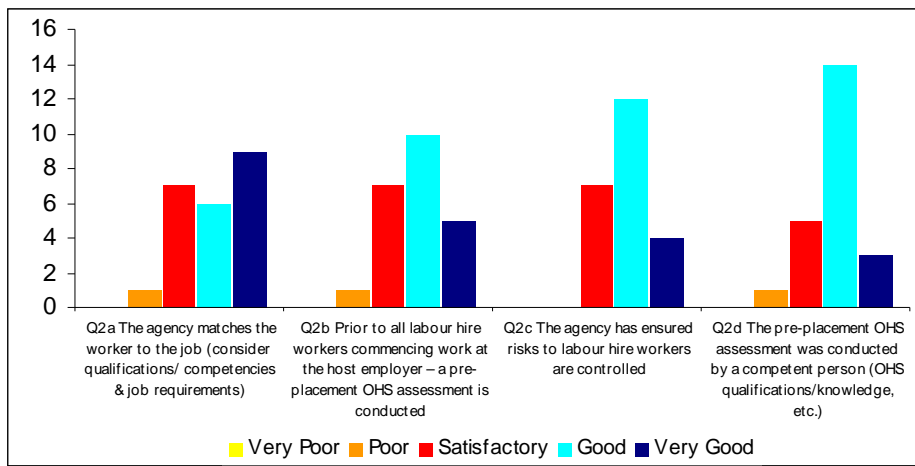


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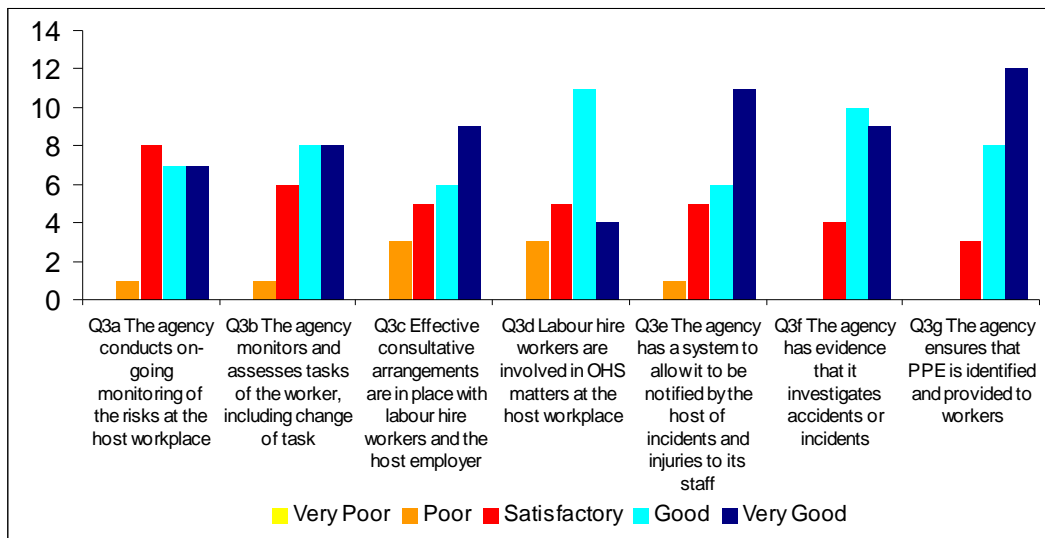
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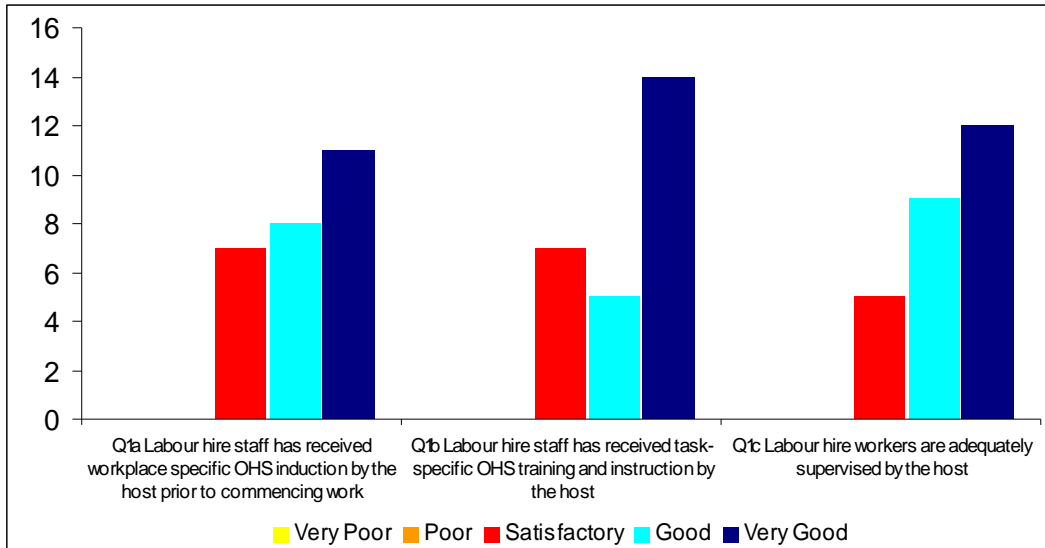


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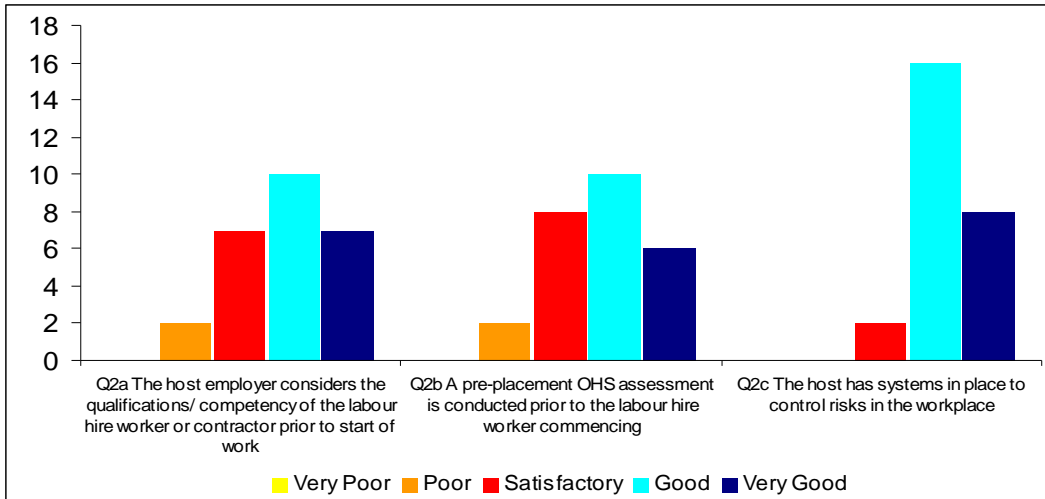


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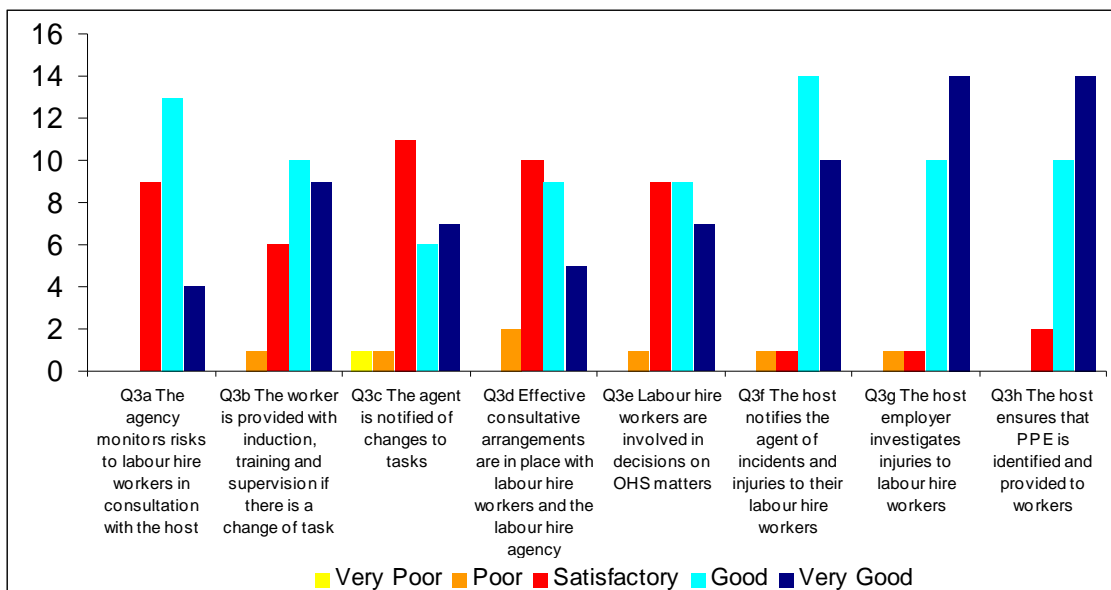
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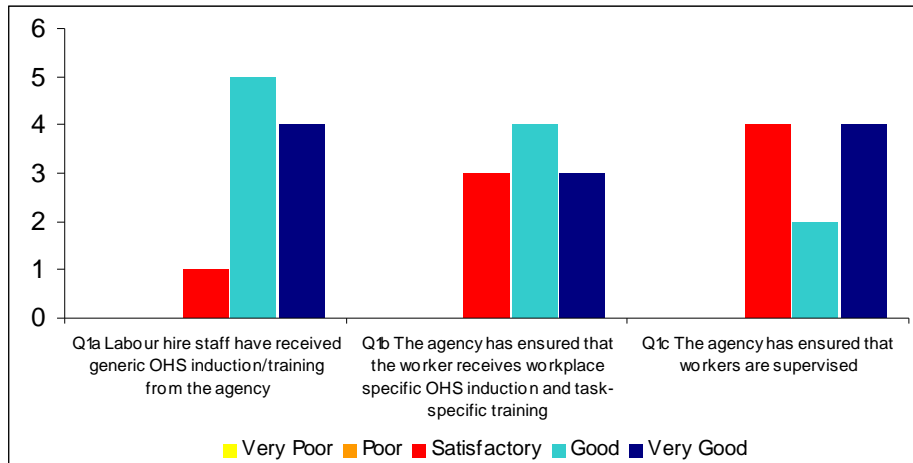


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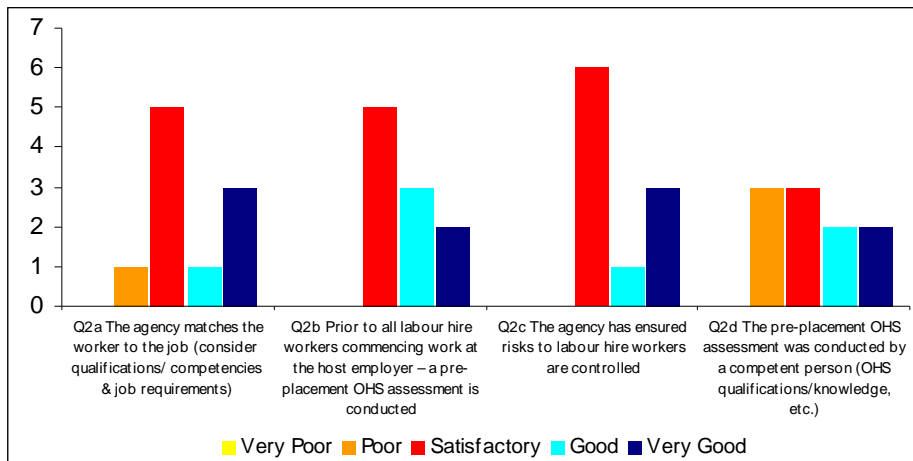


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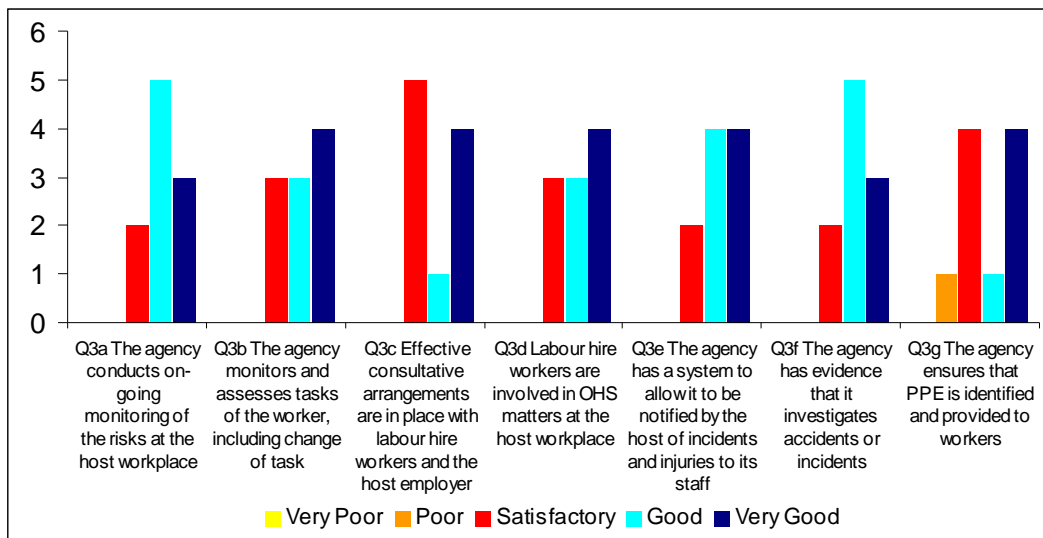
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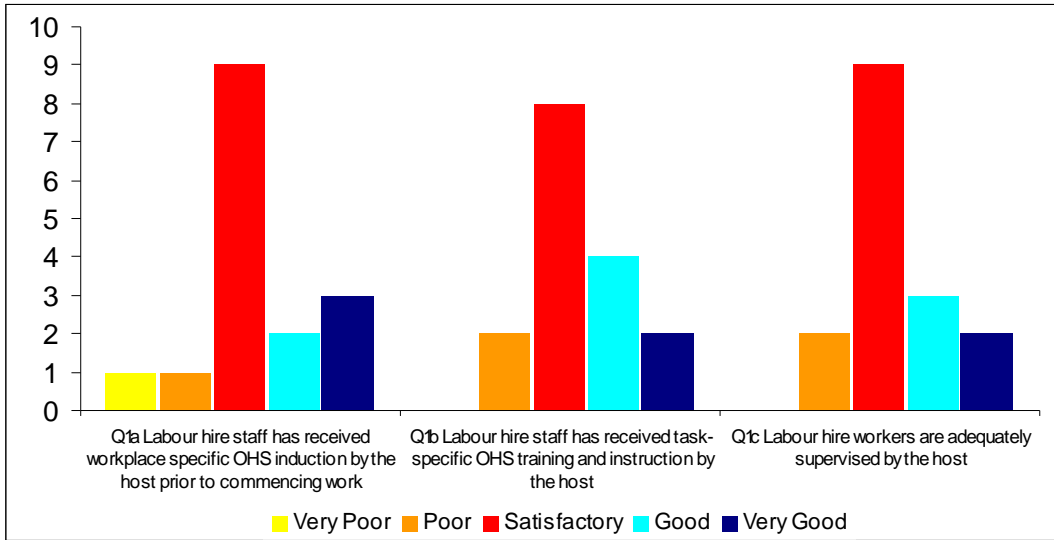


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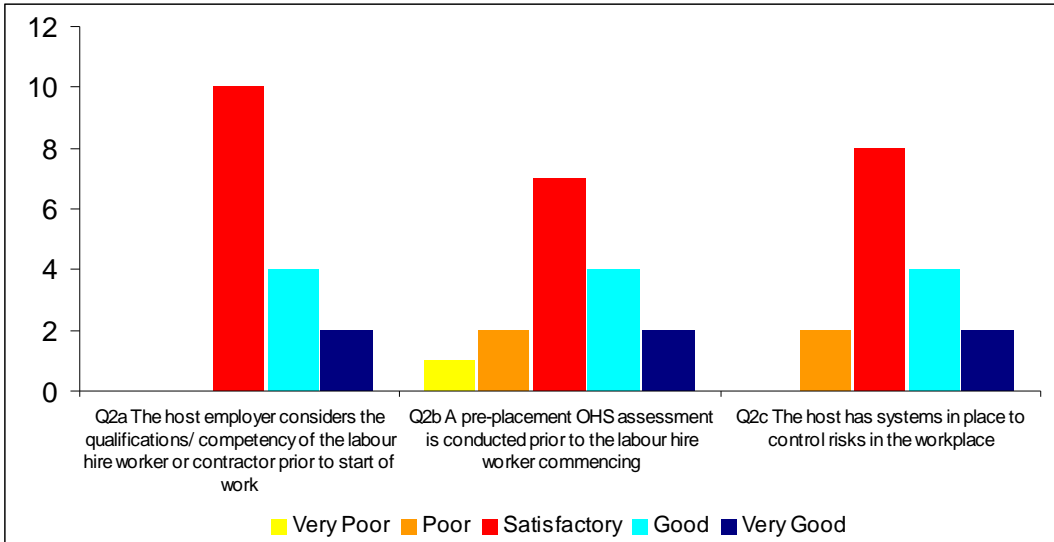


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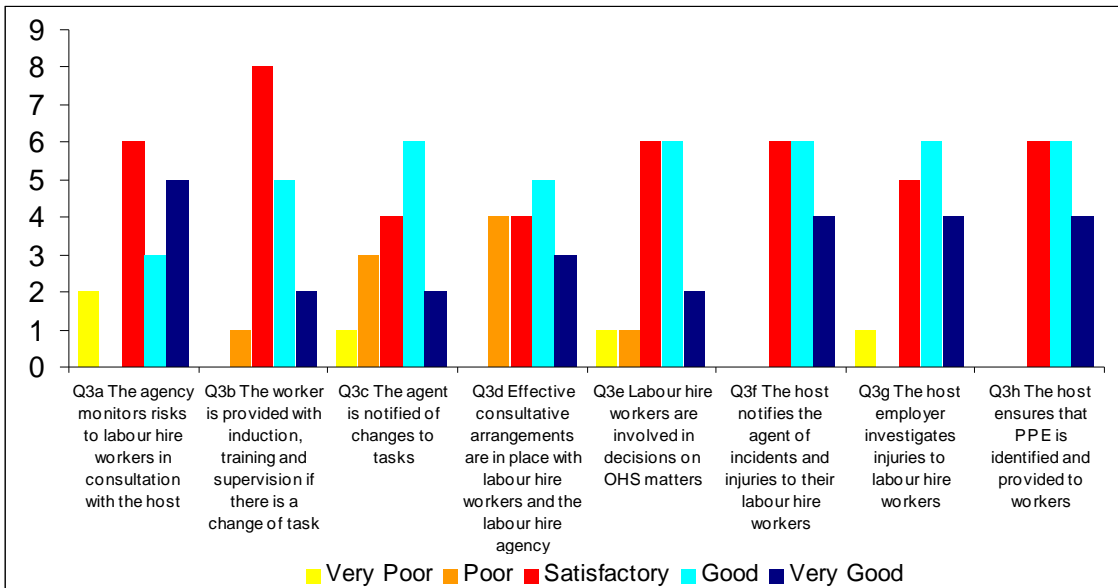
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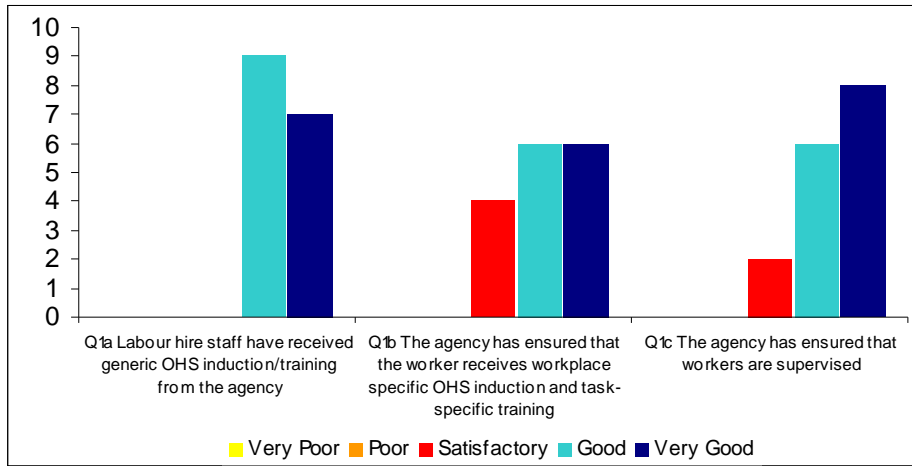
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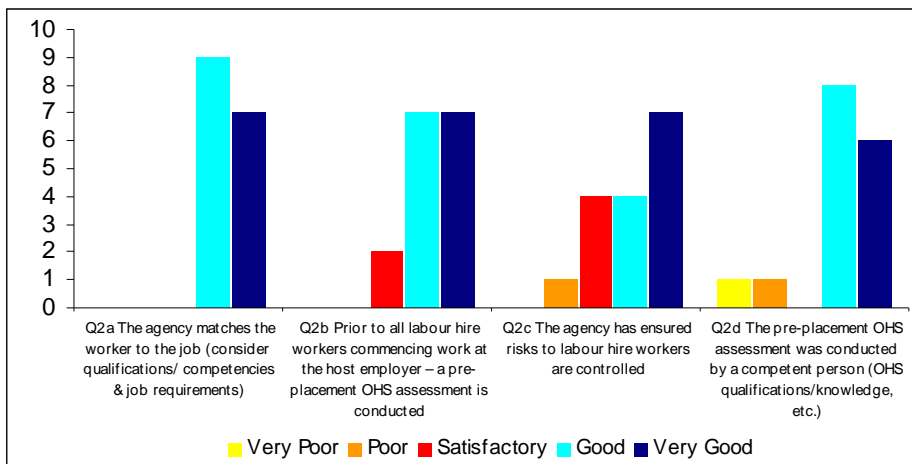
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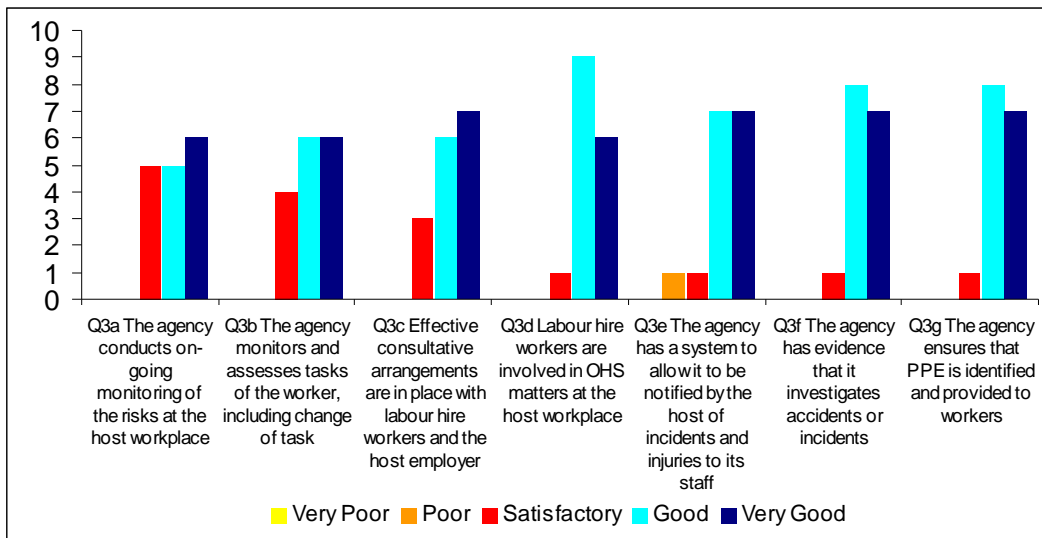
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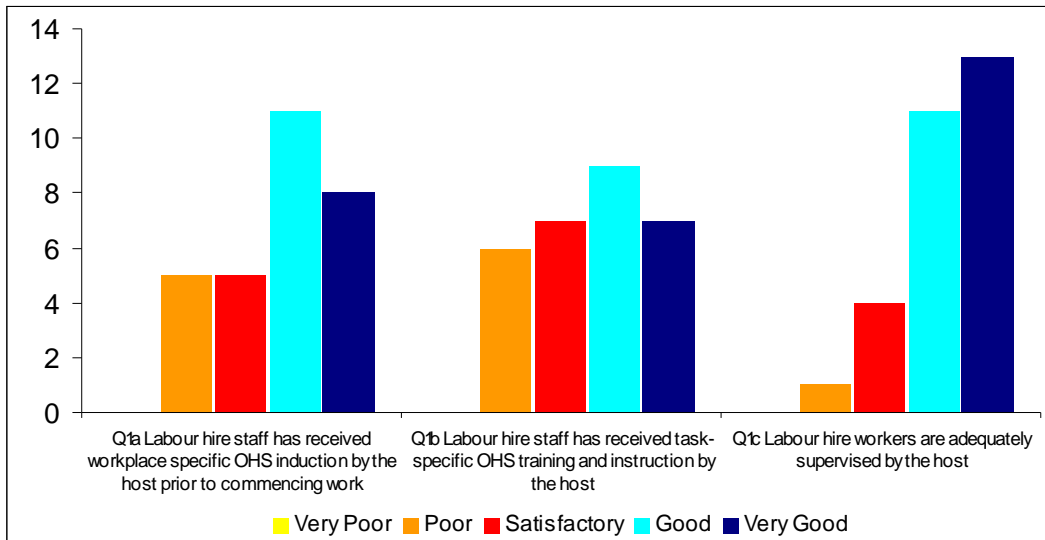


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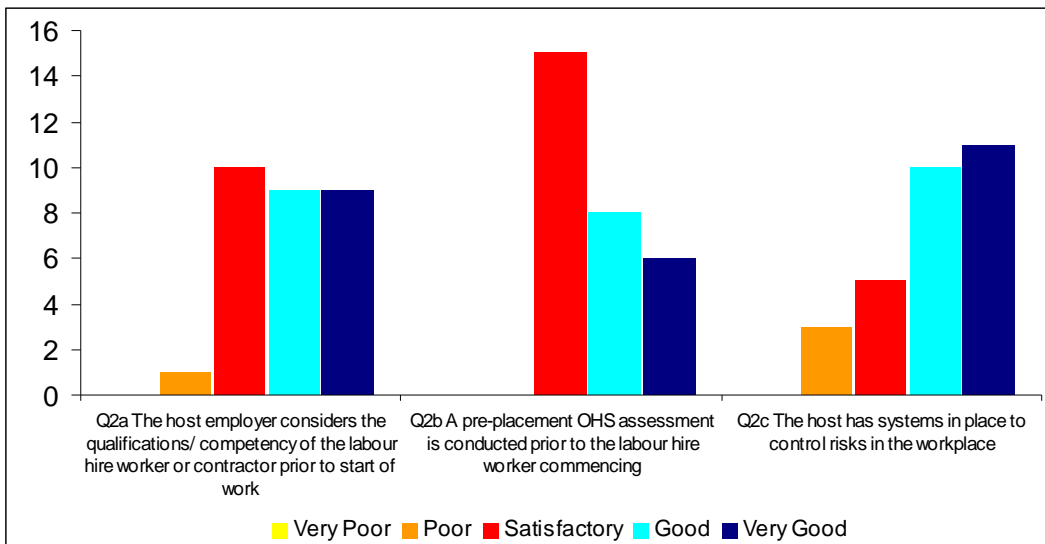


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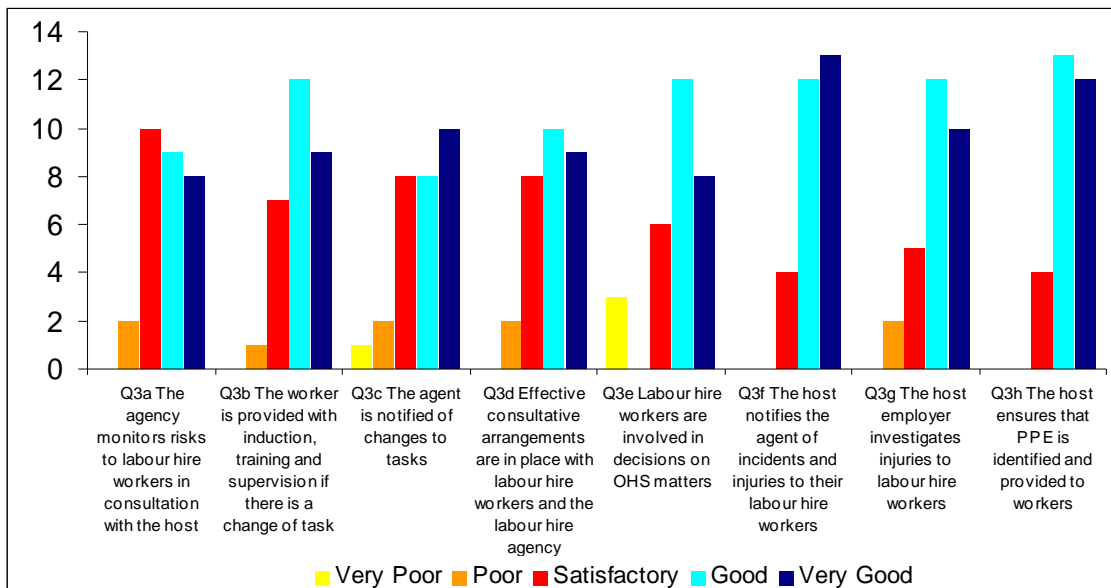
Training & Supervision



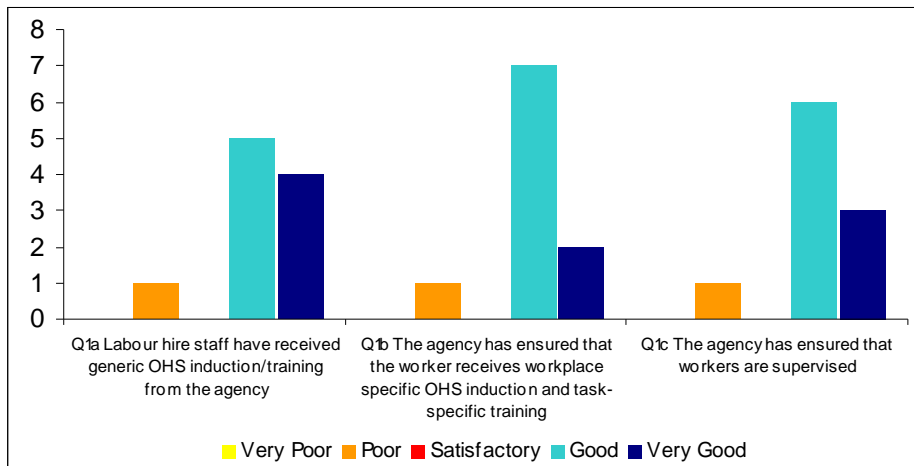
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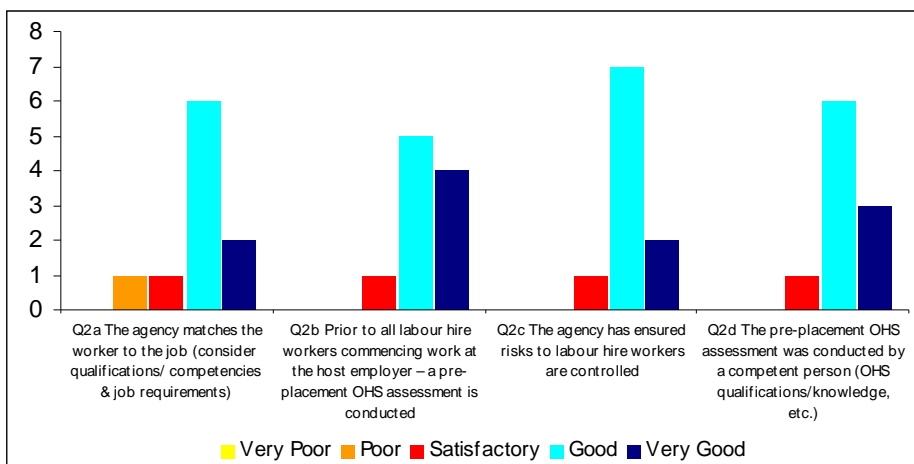
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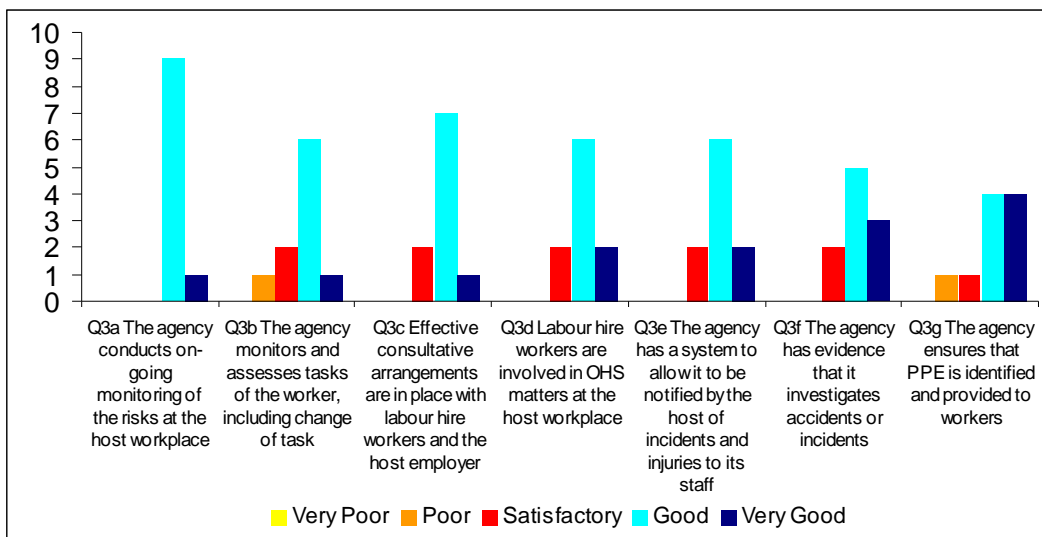
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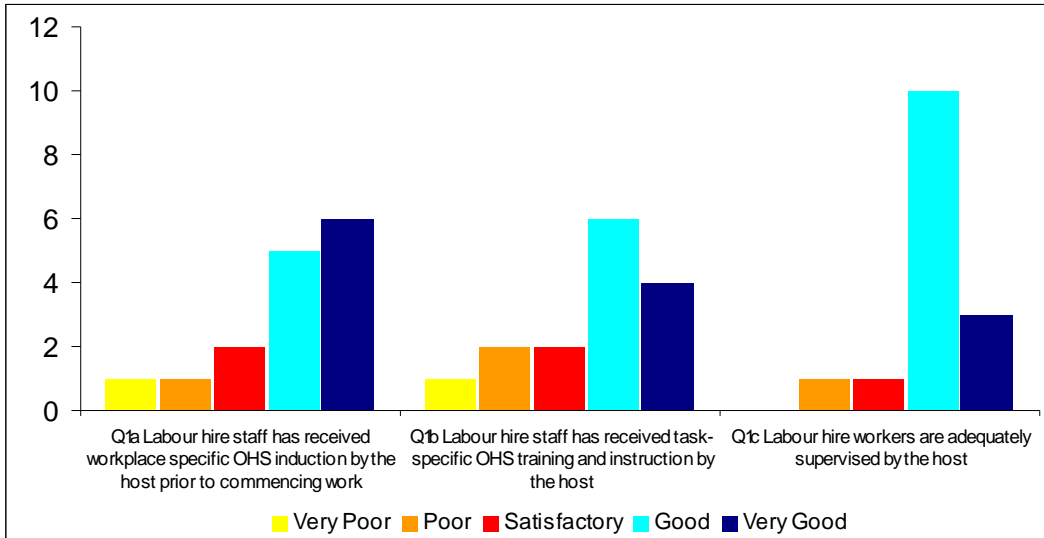


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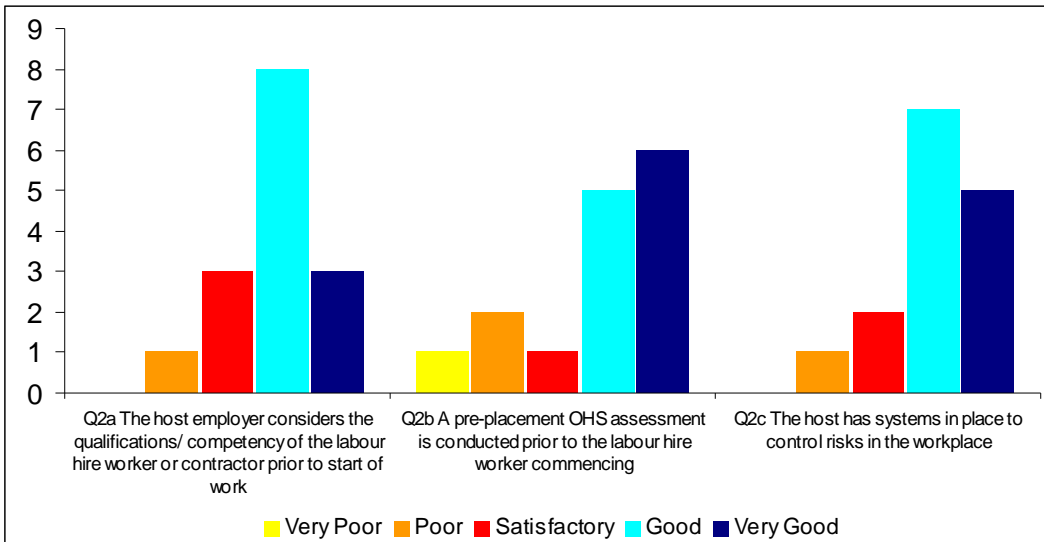


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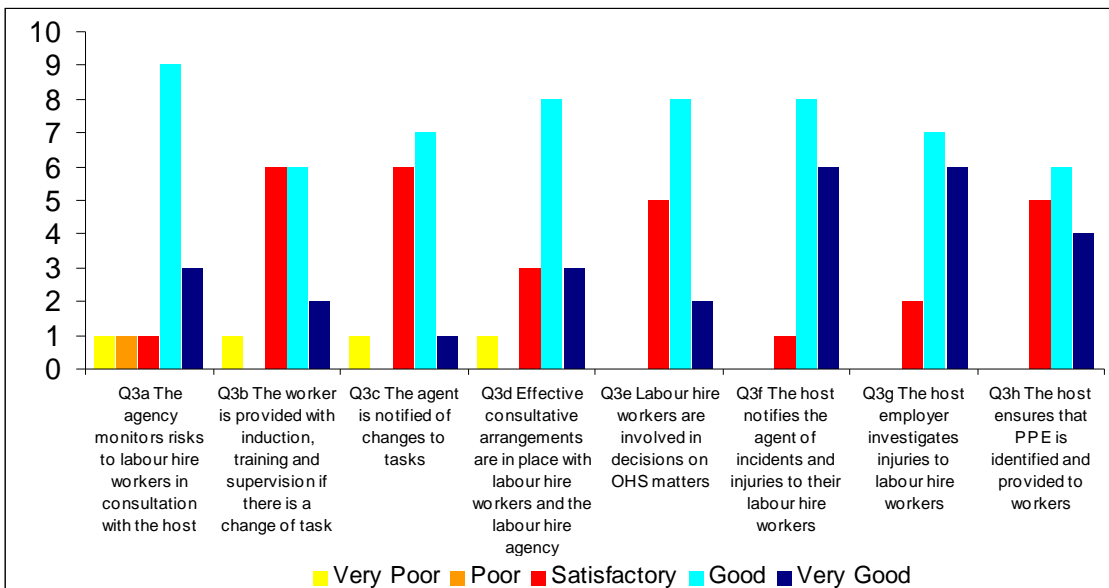
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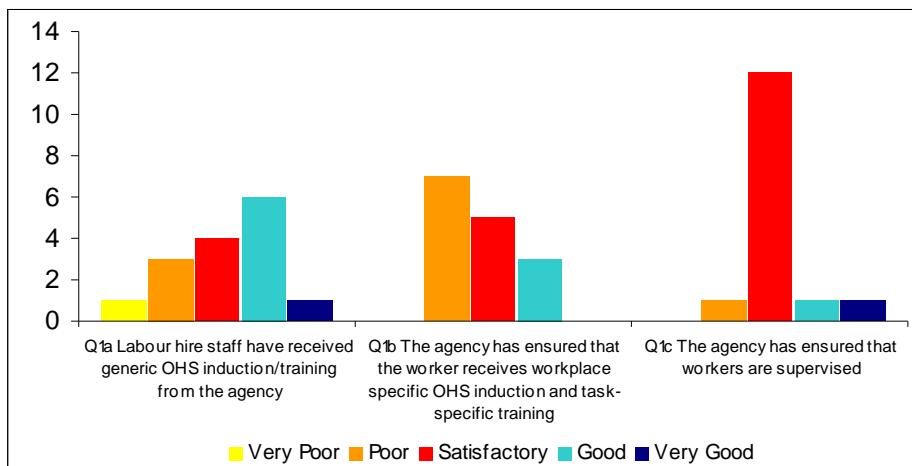
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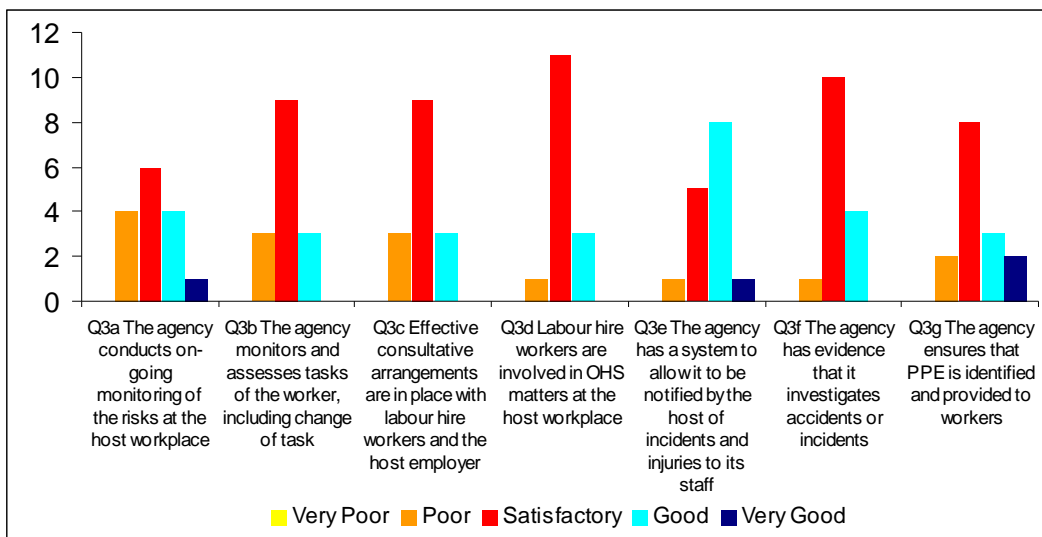
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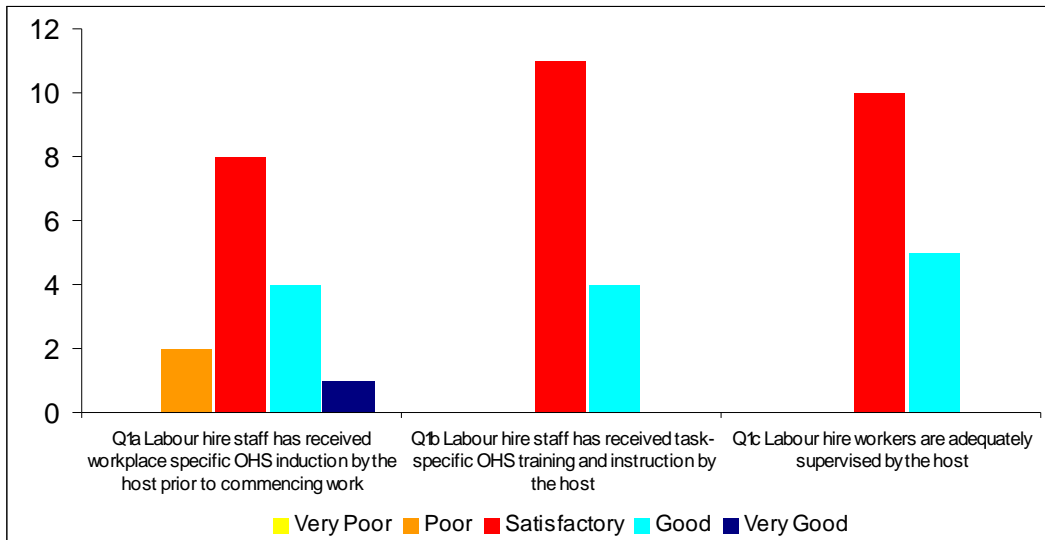


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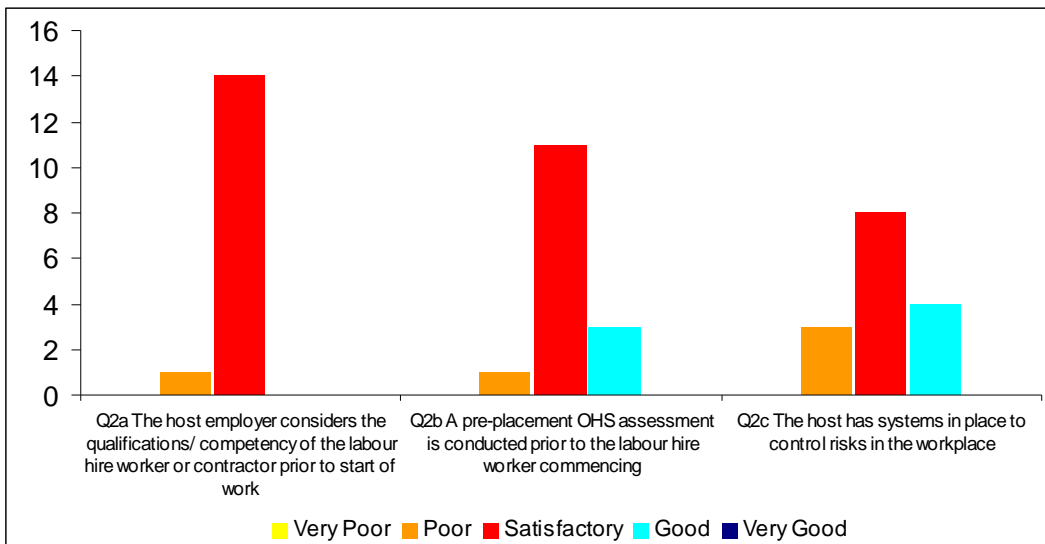


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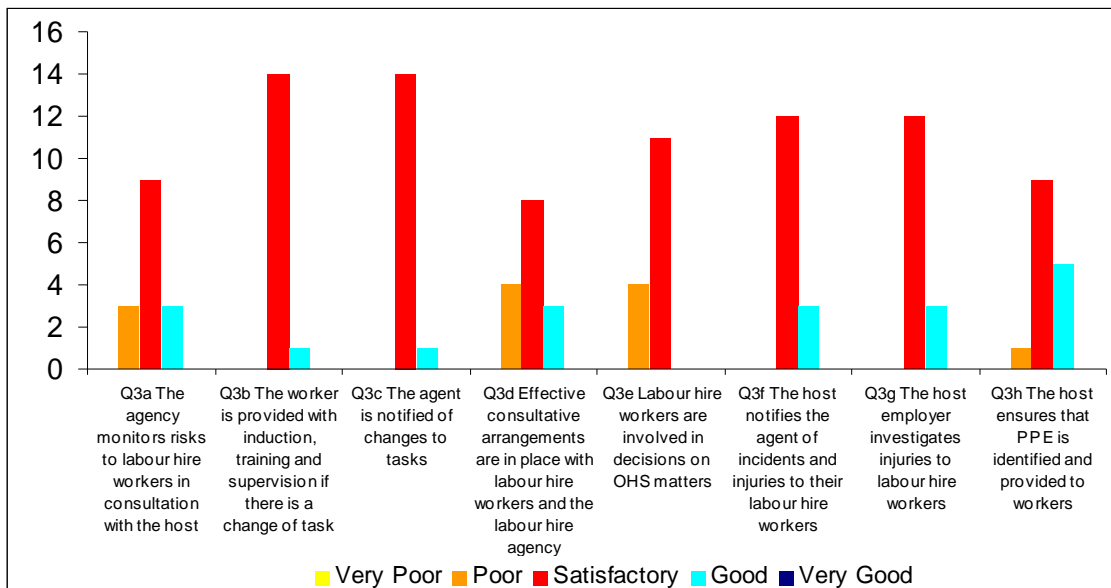
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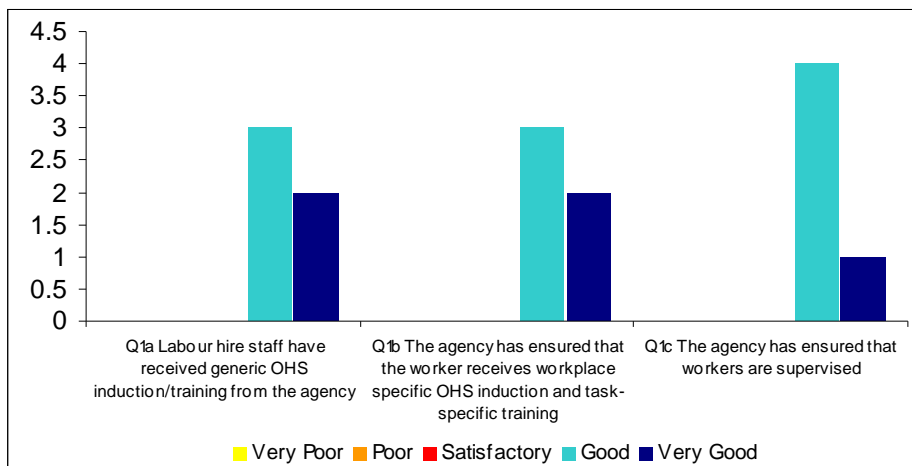
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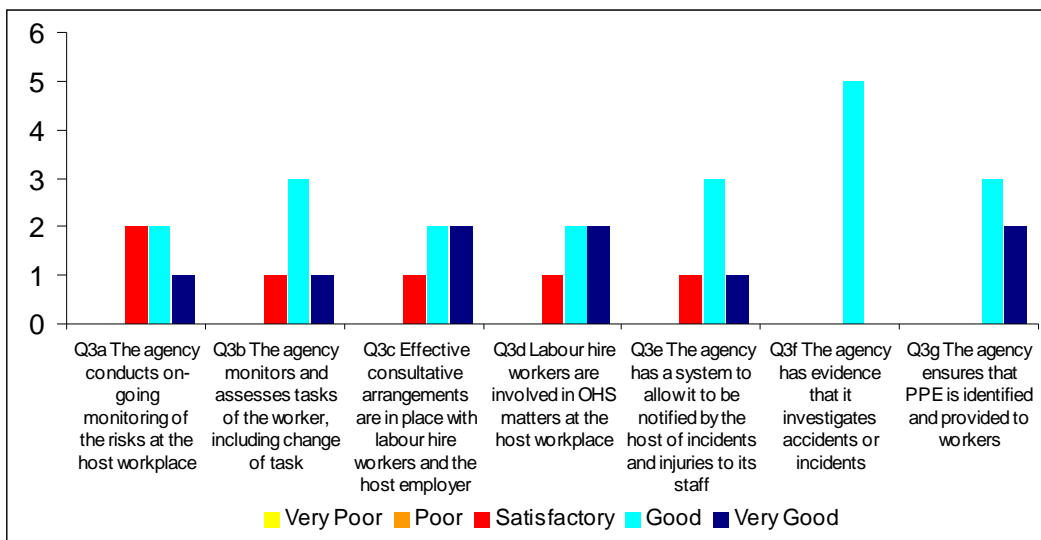
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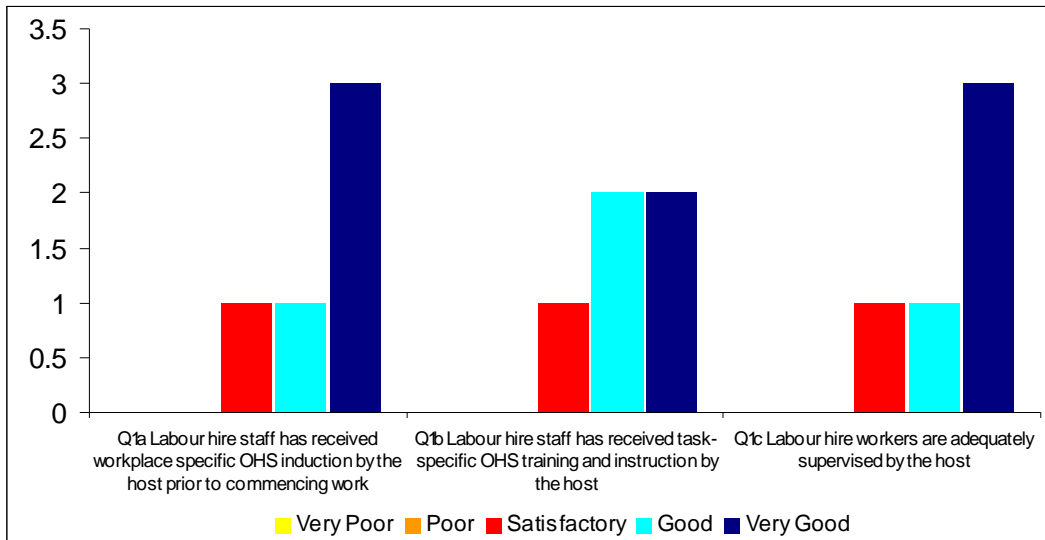


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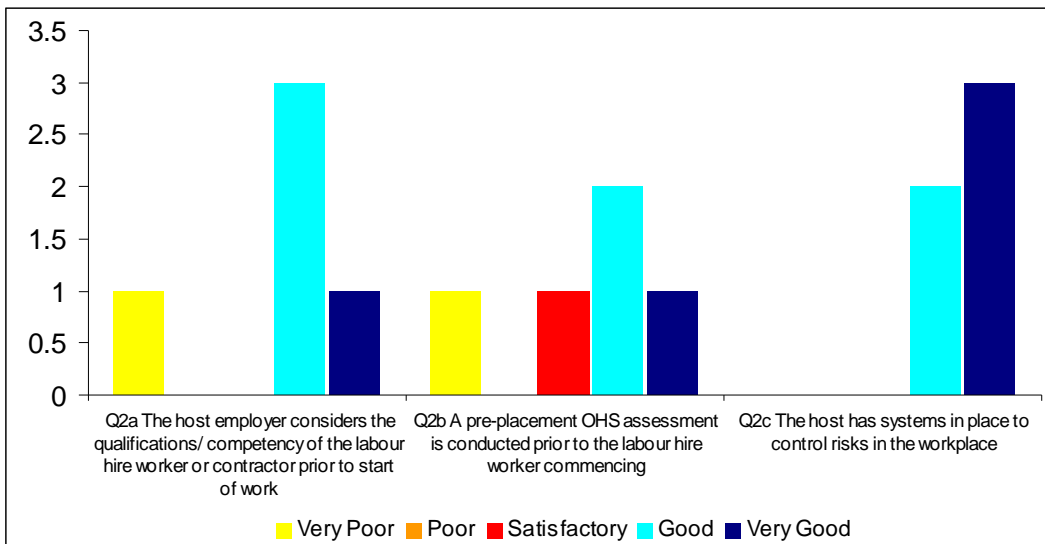


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**Training & Supervision**



**Pre-Placement OHS Assessment**



**On-going Monitoring & Consultation**

