# Low value works projects Guide on mandatory Occupational Health and Safety management criteria

## Mandatory evaluation criteria for occupational health and safety management – supplier of works

The Ministerial Directions for Public Construction Procurement in Victoria at [Evaluation criteria (Direction 3.7)](https://www.dtf.vic.gov.au/public-construction-policy-and-resources/evaluation-criteria-direction-and-instruction-37) establish that mandatory evaluation criteria for occupational health and safety management must be used when assessing tender submissions for public construction when:

* in the case of Works, the value of the Works exceeds $500,000 (inclusive of GST); and
* in the case of Construction Services, the value of the Construction Services exceeds $200,000 (inclusive of GST).

The Construction Supplier Register apply the same evaluation criteria when assessing applicants for the category Low value works projects (projects valued at less than $500,000 (inclusive of GST)).

The evaluation criteria are available at [Mandatory evaluation criteria for occupational health and safety management (Attachment 1 to Instruction 3.7)](https://www.dtf.vic.gov.au/public-construction-policy-and-resources/mandatory-evaluation-criteria-occupational-health-and-safety-management-attachment-1-instruction-37). The criteria are also listed in parts 1 and 2 of this guide.

## About this guide

This guide provides further guidance on the mandatory evaluation criteria for occupational health and safety management as they apply to low value works projects (projects valued at less than $500,000 (inclusive of GST)).

This guide can be used by evaluators to assess whether a supplier of Works has demonstrated a minimum level of commitment and capacity to effectively address the mandatory occupational health and safety management criteria.

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## Part 1 – An explanation of the OHS criteria

### Criterion 1: OHS Policy

The supplier of Works must have and provide a copy of an organisational-specific OHS Policy that, at the least, states:

* a clear commitment to providing for the health and safety of all employees and other workers and others who may be affected by their activities, and achieving legal compliance, through effective risk management;
* the means by which that commitment will be met (for example risk assessment, safe systems of work, training);
* the respective responsibilities and roles of stakeholders at all levels within and external to the organisation in ensuring safety; and
* a commitment to continuous improvement and policy review, including a date or time within which the policy will be reviewed.

The Policy is significant as both a statement of values against which the organisation can be held accountable and an indication of the key criteria and roles in OHS. It can be a demonstration of the understanding of the organisation of the importance and criteria of OHS management.

The Policy should preferably be signed by the most senior person within the organisation (for example Chairman, Managing Director, Chief Executive Officer, General Manager) to demonstrate commitment at the top of the organisation.

### Criterion 2: Officers’ governance of OHS

Sections 144 and 145 of the **Occupational Health and Safety Act 2004**provide for an officer of a company, partnership or association (‘the organisation’) to be guilty of the same offence as that committed by the organisation, if that offence was attributable to the failure of the officer to exercise reasonable care.

The involvement of officers is considered to be a key to the proper and effective management of OHS in an organisation, by ensuring that the organisation has and applies appropriate resources and policies and procedures for OHS.

The definition of an officer in section 9 of the **Corporations Act 2001 (Cth)** is adopted in the **Occupational Health and Safety Act 2004** and includes:

* directors and secretary of a company;
* partners in a partnership;
* officers in an unincorporated association;
* persons involved in making decisions that affect the whole or a substantial part of the organisation (commonly known as the Executive or Management);
* those who have the capacity to affect significantly the financial standing of the organisation;
* those on whose instructions or wishes the directors are accustomed to act; and
* a liquidator, trustee, administrator, receiver and manager.

These are the people who have the role of governing the organisation and are able to determine or affect the ability of the organisation to properly and effectively manage OHS.

Ways in which the supplier of Works may demonstrate compliance with this criterion, and reasonable care for the purposes of the **Occupational Health and Safety Act 2004** include:

* 1. evidence of advice provided to the Supplier of Works identifying who the officers are;

Note: if the supplier of Works is a company whose directors are the only managers of the business, then the directors may be the only officers and this step may not be needed).

* 1. details of a governance (management) structure and process that provide for:
     1. the gathering and analysis of relevant information;
     2. reports on relevant matters to be provided to the officers, in a timely fashion (for example, regular reporting on some matters and timely reporting of incidents);
     3. advice to be provided to the officers (from sources within and external to the business); and
     4. monitoring, auditing and review of performance.
  2. confirmation that information provided to officers allows them to have the required knowledge and understanding of each of the elements of the due diligence definition (for example, as to hazards and risks, required resources and policies).

An officer may comply with this criterion where they receive and respond to information through direct involvement by them in work activities. This is typically the case for sole proprietors, small partnerships and for ‘hands on’ directors and managers in small businesses. Officers who are not involved directly in work activities, typically in medium to large size companies or partnerships, will need to demonstrate other means by which they receive and respond to relevant information.

### Criterion 3: OHS Advisors

Section 22(2)(b) of the **Occupational Health and Safety Act 2004** requires a supplier of Works to either (directly) employ or engage the services (externally) of a suitably qualified person [or persons] to provide advice to the supplier of Works concerning the health and safety of employees.

The objective is to ensure that the supplier of Works has available to it up to date knowledge of legal obligations and good industry practice. This is in part necessary to ensure that the supplier of Works meets the standard of ‘reasonably practicable’ required of them, and in part to enable the officers to meet their obligations for reasonable care and due diligence.

The supplier of Works will need to demonstrate that:

* the supplier of Works has expertise and knowledge available to it covering all key aspects of OHS relevant to the business and activities of the supplier of Works; and
* that the advisor(s) are suitably qualified taking into consideration the nature of the activities of the supplier of Works and on the numbers and types of advisors employed or engaged by the supplier of Works. Tertiary or post-graduate qualifications are not necessary, but may make it easier for the assessor / evaluator to be satisfied that this criterion has been met.

This criterion may be satisfied by membership of an industry association or other organisation that provides the supplier of Works with OHS advice and assistance. If the supplier of Works wishes to rely on membership of an association then the supplier of Works must clearly demonstrate understanding of how to access that association’s OHS assistance.

### Criterion 4: Consultation and issue resolution

**Introduction to Criterion 4**

Effective OHS risk management requires decisions to be made and implemented based on a proper flow of information between the supplier of Works and workers.

OHS issues must be resolved as soon as is reasonably practicable, which requires effective mechanisms for the exchange of information and consideration of various viewpoints.

The **Occupational Health and Safety Act 2004** and regulations recognise this by providing for management and employee representation in consultation and issue resolution and processes for undertaking those activities. Employees for this purpose include sub-contractors and their employees. The **Occupational Health and Safety Act 2004** will provide for representation and consultation for ‘workers’.

It is important that the management representative be sufficiently senior and competent to deal effectively with OHS issues. Otherwise, the process may be slowed down by a lack of knowledge, poor communication or perceptions of bad faith. This is recognised for example in section 73(2)(b) of the **Occupational Health and Safety Act 2004** which requires seniority and competence of the supplier of Works’ representative.

### Criterion 4a: Management representation for consultation, issue identification and response

For this criterion the supplier of Works must produce evidence that an appropriate management representative has been nominated for consultation and issue resolution, and that the person has sufficient and current knowledge or timely access to appropriate sources of knowledge to effectively undertake that role.

There are no set standards or qualifications specified for the management representative, however tertiary or post-graduate qualifications may make it easier for the assessor / evaluator to be satisfied that this criterion has been met.

The management representative should be familiar with the OHS legal obligations of the supplier of Works and the key principles for effective OHS risk management.

The management representative should be able to demonstrate a good knowledge of consultation and issue resolution obligations and procedures; or at least knowledge of the supplier of Works’ obligations relating to consultation and issue resolution and access to an appropriate internal or external advisor. The availability to the management representative of advisors referred to in **Criterion 3** above, may be relevant to the qualifications necessary for the management representative.

Currency of knowledge is important given regular changes to OHS laws and practice.

### Criterion 4b: Elected Health and Safety Representative

This criterion recognises that the election and training of a Health and Safety Representative may assist in consultation and issue resolution (and is common in the construction industry). Representation is ordinarily limited to employees, but the **Occupational Health and Safety Act 2004** provides for representation of the broader class of ‘workers’ by agreement, which commonly occurs in the construction industry.

The purpose of this criterion is:

* to identify whether the workers are represented by a Health and Safety Representative elected under Part 7 of the **Occupational Health and Safety Act 2004**; and
* whether the Health and Safety Representative has received training (which is usually a five day initial course with subsequent refresher and other training).

Section 43 of the **Occupational Health and Safety Act 2004**requires the employer to establish Designated Work Groups if requested by an employee. In establishing a Designated Work Group the **Occupational Health and Safety Act 2004**then requires at least one Health and Safety Representative to be elected.

The Health and Safety Representative is entitled to training if they require it.

Where there has been no request from workers for designated work groups or the election of a Health and Safety Representative, the supplier of Works may certify this to be the case. The absence of a Health and Safety Representative will place more significance on **Criterion 4c** and may require a higher level of detail of consultation arrangements to be provided to satisfy that criterion.

### Criterion 4c: Consultation and issue resolution procedures

This criterion is concerned with ensuring that the supplier of Works has in place a process for effectively undertaking communications relating to consultation and issue resolution.

For this criterion the supplier of Works should be able to provide either consultation and issue resolution procedures that are agreed with workers (directly or through the Health and Safety Representative or other representative) or demonstrate that the supplier of Works is familiar with the requirements of the **Occupational Health and Safety Act 2004** and regulations, including the default process provided in the regulations, whether or not they have needed to use them.

### Criterion 4d: Health and Safety Committee

It is recognised that an effective Health and Safety Committee can be a good means to develop OHS strategy and processes and to ensure that appropriate consultation occurs with employees.

It is not compulsory for a supplier of Works to have a committee, although it must have if requested. The absence of an effective committee may however place greater significance on **Criterion 4c**.

The provision of committee charter or constitution or similar will assist in determining the effectiveness of it and the degree to which it assists in satisfying **Criterion 4d**.

### Criterion 4e: Consulting and working with other parties

The **Occupational Health and Safety Act 2004** does not include a specific duty on a supplier of Works to consult, cooperate and coordinate activities with others who have a duty over the same matter. A Principal Contractor is required to consult with other independent supplier of Works who it has engaged, and their employees (refer section 35 of the **Occupational Health and Safety Act 2004**.

These processes are however necessary in most situations for compliance with the duties under the **Occupational Health and Safety Act 2004**.

The supplier of Works has duties in relation to its employees under section 21 of the **Occupational Health and Safety Act 2004**. These duties may require the supplier of Works to identify risks to its employees from attendance at workplaces that are managed or controlled by others, or at which the activities of others may expose the employees of the supplier of Works to OHS risks. The supplier of Works in carrying out its activities, including attendance at workplaces, also has a duty to persons who are not employees under section 23 or 24 of the **Occupational Health and Safety Act 2004**.

Section 21(3) of the **Occupational Health and Safety Act 2004**specifies that reference to an employee includes a reference to an independent supplier of Works engaged by an employer and any employees of the independent supplier of Works. The duties of an employer extend to an independent supplier of Works engaged by the employer, and any employees of the independent supplier of Works, in relation to matter over which the employer has control.

Others involved in work in which the supplier of Works is involved may also owe duties to the supplier of Works and its employees.

To comply with these duties, the supplier of Works should ensure that it has the information necessary to enable it to understand and manage the risks arising from their involvement and that of other parties in the work and ensure that the supplier of Works works together with other parties for the effective management of OHS risks.

This means that a supplier of Works should in some circumstances consult, cooperate and coordinate activities in relation to OHS with the client, sub-contractors, labour on-hirers, the person with management or control of the workplace and suppliers of plant and substances.

The aim of this criterion is to ensure that OHS is properly and effectively catered for through each party:

* having sufficient knowledge of the activities of others that may affect OHS;
* understanding what others have in place to provide for OHS risk management;
* determining what they must do to provide for OHS risk management; and
* coordinating their activities with those of others to ensure there are no gaps in risk management.

These activities represent good practice and may be necessary to meet the standard of ‘reasonably practicable’ and comply with duties of care under the **Occupational Health and Safety Act 2004**, particularly in relation to supplier of Works safety management.

Compliance with this criterion may be achieved by demonstrating the means by which the supplier of Works identifies other parties with whom they must consult, cooperate and coordinate activities, and the requirements to meet each of the elements noted above.

Documents showing examples of consultation with other parties and the outcomes may be sufficient to demonstrate this criterion is being met.

### Criterion 5: Currency of awareness of OHS

This criterion is clearly linked to **Criteria 3** and **4** above and reference is made to the comments in relation to those criteria.

Part 2 Guide to acceptable evidence notes some of the means by which the supplier of Works may keep informed of changes in OHS regulations, guidelines and practice. These are not exclusive. This is a specific element of the due diligence requirement for officers.

The assessor / evaluator must be satisfied that the supplier of Works has a consistent process by which it is regularly informed of changes relevant to its operations.

### Criterion 6: Induction and training

The provision of information, instruction and training to employees and to other workers is clearly provided for in section 21(2)(e) of the **Occupational Health and Safety Act 2004** and in the regulations.

Compliance with these obligations requires the provision of site specific induction and training that is relevant to the individual employee and as is necessary to enable them to safely perform their work tasks.

The assessor / evaluator must be satisfied through documented systems and training records that the supplier of Works has in place systems for ensuring induction and training occurs.

### Criterion 7: Hazard identification and risk control

The **Occupational Health and Safety Act 2004** requires a supplier of Works to provide and maintain for its employees and other workers, so far as is reasonably practicable, systems of work that are safe and without risks to health.

Different construction projects will require the identification of specific systems of work. The systems of work must be appropriate to meet the risks associated with the particular work being undertaken. To meet this requirement the supplier of Works will often need to have and use systems to identify, assess and control hazards and risks.

The **Occupational Health and Safety Act 2004** also imposes requirements on supplier of Works that may have the management or control of the workplace or the design of the workplace; design or manufacture or supply plant; install, erect or commission plant.

There are well known risks in the construction industry (for example fall from heights) for which systems of work and supporting training should be provided. Other identified construction industry risks may have accepted industry standard risk controls. However the supplier of Works must still identify hazards and provide systems and other control measures for the elimination or reduction of associated risks.

For some activities involving high risks the supplier of Works may be required to provide additional evidence of analysis of risks and availability of skills before the work can commence.

For **Criterion 7** the supplier of Works needs to demonstrate and provide documentary evidence:

* of the availability to the supplier of Works of safe systems of work and procedures;
* of the supplier of Works’ awareness of the need for such systems and progress toward the provision of same;
* of a process for the identification of hazards and the identification and application of risk controls;
* of the supplier of Works’ awareness of each of the obligations imposed on them by the **Occupational Health and Safety Act 2004** and regulations by virtue of the supplier of Works’ role and activities and has in place processes for meeting those obligations; and
* showing how the supplier of Works assesses risks and identifies risk control measures.

Documents that show a system for doing this (for example, formats for job safety analysis, or processes for developing safe work method statements) will assist in demonstrating the supplier of Works’ compliance with this criterion.

The supplier of Works must also provide an example of how these system documents have been used.

Third party certification of the supplier of Works’ OHS management systems will be a strong indicator of satisfaction of this criterion, however, evidence may be required of such a certified system and in particular how specific legal requirements are met.

Regulations made under the **Occupational Health and Safety Act 2004** require the process of hazard identification and risk control, with specific measures relevant to the activities of the supplier of Works.

From 1 July 2008 this has included the requirement for Health and Safety Coordination Plans for higher value projects and the preparation of safe work method statements for high risk work.

Health and Safety Coordination Plans are required to be developed and maintained by Supplier of Works where they are appointed to the role of Principal supplier of Works.

(Regulations 335, 336 and 337 of the **Occupational Health and Safety Regulations 2017**.

### Criterion 8: Supplier of Works and subcontractor safety management

For this criterion the supplier of Works must provide information as to how the supplier of Works complies with its obligations for the safety of all workers and others, including:

* independent Contractors engaged by the supplier of Works;
* employees of those independent Contractors;
* subcontractors;
* employees of Victorian Government Departments that use an approved Register (approved Registers are listed at [Government Pre-qualification Registers](https://www.dtf.vic.gov.au/public-construction-policy-and-resources/government-pre-qualification-registers)); and
* the public and others.

The supplier of Works must also provide documentary evidence of the systems, contractual and process documents supporting the systems and evidence of their implementation (for example completed checklist and inspection records).

For matters over which the supplier of Works has control or would, but for an agreement to the contrary, has had control, the supplier of Works has duties and requirements under the **Occupational Health and Safety Act 2004** to ‘employees’ which includes:

* independent contractors engaged by the Supplier of Works;
* employees of those independent contractors; and
* subcontractors.

The hazardous nature of construction related activities, the extensive duties and obligations imposed by the **Occupational Health and Safety Act 2004** and regulations and the complexity of activities on a construction site or project, mean that supplier of Works safety management can only be achieved through the implementation of effective and enforced systems.

The requirements of **Criterion 4e** relating to consultation, cooperation and coordination of activities with other duty holders are clearly relevant to this **Criterion 8** and evidence provided by the supplier of Works relating to **Criterion 4e** may also satisfy this criterion.

### Criterion 9: Emergency response

Emergency response is a critical aspect of safety management in the construction industry, given the hazardous nature of the activities and the difficulties associated with site access etc.

Effective emergency response is a part of the supplier of Works’ obligations under the **Occupational Health and Safety Act 2004** to provide and maintain safe systems of work, adequate welfare facilities and information, instruction and training for employees and other workers.

An important aspect of the supplier of Works’ emergency response is the regular review and testing of systems and training (for example through emergency evacuation trials).

Adequate welfare facilities must include first aid facilities and training as is appropriate to the nature of the activities, numbers of workers and location.

The supplier of Works must provide documents to:

* verify the existence of emergency procedures;
* confirm first aid facilities and training; and
* verify the dissemination of information to employees and other workers by notices, training and testing.

### Criterion 10: Incident notification, investigation and response

The management of serious incidents is a critical aspect of safety management in the construction industry, given the hazardous nature of many construction activities, (for example, failure of registered plant, collapse of a trench, explosion or fire, fall of an object from height).

The obligations of the Supplier of Construction Services for the safety of its workers and others necessarily require the proper investigation of incidents, identification of causes and remediation of deficiencies. Information available as a result of an incident is part of the knowledge on which an assessment will be made on what may be reasonably practicable for a supplier of Works to do.

The **Occupational Health and Safety Act 2004** imposes obligations on the supplier of Works including:

* a requirement to notify WorkSafe Victoria of serious incidents;
* a requirement to preserve an incident site following a notifiable incident until an inspector attends or otherwise directs (except where disturbance of the site is necessary for rescue or health and safety protection); and
* entitling Health and Safety Representatives to inspect a workplace after an incident and be involved in various processes and activities following an incident.

Under this criterion the supplier of Works will need to provide documented systems or records such as:

* a procedure or instruction requiring information to be provided to a person nominated to fulfil these obligations for the supplier of Works, familiarity with the requirements and the notification form;
* evidence of the supplier of Works’ satisfactory notification and investigation of an incident; and
* evidence of the supplier of Works’ satisfactory response to the notifiable incident, for example to prevent its recurrence.

The requirements for due diligence by an officer include ensuring processes are in place to meet the obligations to notify incidents to WorkSafe Victoria.

### Criterion 11: Enforcement activity

The level, nature and seriousness of enforcement activity and the response of the supplier of Works to it may be a significant indicator of the supplier of Works’ OHS capability and performance.

Enforcement activity may reflect non-compliance and poor safety performance by a supplier of Works. A timely and effective response by the supplier of Works to enforcement activity may demonstrate the quality of their safety systems and processes.

Demonstrated compliance with a notice, or effective response or remediation following enforcement activity may render that enforcement activity no longer relevant and may even show improvements in the supplier of Works’ systems and processes.

WorkSafe Victoria and other agencies relevant to OHS (for example Energy Safe Victoria) and Health and Safety Representatives may seek to enforce OHS related legislation and regulations through:

* directions;
* improvement notices;
* prohibition notices;
* prosecutions; and
* enforceable undertakings.

Health and Safety Representatives are entitled to issue provisional improvement notices which have the same effect as an improvement notice issued by an inspector (unless a review is sought by the supplier of Works).

For this criterion the supplier of Works will need to provide information (if any) in relation to enforcement activity and the supplier of Works’ response. Documents which the supplier of Works should provide include:

* associated Entry Reports, to provide a clear picture of the alleged non-compliance or risk; and
* evidence that the supplier of Works has responded appropriately to the breach or the risk which was the subject of the enforcement activity.

Certification by the supplier of Works of an absence of regulator activity of the kind indicated will be satisfactory evidence of compliance with this criterion.

### Criterion 12: Workers Compensation Insurance

Workers compensation premium rates for a supplier of Works reflect the claims performance of the supplier of Works and are related to industry average performance.

High levels of workers compensation claims may indicate poor safety performance.

The supplier of Works will need to provide details of the supplier of Works’ workers compensation insurance premium level compared to the industry rate.

Note: A premium rate of more than 150% of the industry rate will usually reflect an unacceptably high level of claims. Where the supplier of Works has a premium rate of more than 150% of the industry rate the supplier of Works will need to provide a satisfactory explanation for the high premium rate.

## Part 2 - Guide to acceptable evidence

### Note on presentation of evidence

All suppliers have duties under the Occupational Health and Safety Act. Suppliers can fulfil these duties by:

* maintaining processes that meet the requirements of the Act; or
* develop and maintain an OHS management system.

Suppliers of low value works projects (projects with a value less than $500,000 (inclusive of GST)) are not required to have an OHS management system.

Suppliers of low value works projects:

* can submit evidence of processes that show how a supplier meets each criterion;
* can submit individual pieces of evidence, if each piece of evidence identifies the criterion it refers to.

The evidence does not need to be presented within a manual of processes or an integrated system.

Much of the information to be used as evidence is available on the Internet. When using such publicly available information, ensure that the information or template:

* is edited to refer to the supplier’s business
* is specific to requirements operating within Victoria
* where available, use free information provided by a government organisation.

For example, present the OHS policy on the supplier’s letterhead, and make sure that the policy refers to the supplier’s business name.

For example, accessing a Safe Work Method Statement (SWMS) template from the WorkSafe Victoria website is free. As it comes from a Victorian government organisation, it meets the requirements operating in Victoria.

### Criterion 1: OHS Policy

**OHS criteria**

The supplier of Works’ organisation-specific OHS Policy.

**Guide to acceptable evidence**

Provide a copy of the organisation’s OHS Policy which:

* has been signed by the most senior person within the organisation to demonstrate commitment at the top of the organisation;
* is dated to show when it was last reviewed.

Note: the policy needs to have been drafted or reviewed in the last two years.

**Suggested actions**

Review the supplier’s current policy, if the supplier has a policy.

Speak to colleagues to see if they have a suitable policy that could be used as a template.

Locate a suitable policy by using an internet search for: OHS/WHS policy template.

### Criterion 2: Officers’ governance of OHS

**OHS criteria**

The identity of the officers of the supplier of Works, as defined in the **Occupational Health and Safety Act 2004** and the means by which those officers effectively govern the supplier of Works in relation to OHS.

Note: This does not apply to a supplier of Works who is a sole trader, but does apply to a company, partnership, alliance or association.

**For Information only**

Company officers can be personally liable.

Sections 144 and 145 of the **Occupational Health and Safety Act 2004** provide for an officer of a company, partnership or association (“the organisation”) to be guilty of the same offence as that committed by the organisation, if that offence was attributable to the failure of the officer to exercise reasonable care.

Also, the involvement of officers is considered a key to the proper and effective management of OHS in an organisation.

Officers are generally the most senior people, such as the Chief Executive, a director, partner or other senior staff who are in a position to prevent breaches of the **Occupational Health and Safety Act 2004**.

Company officers should be aware of their organisation’s health and safety obligations and how they are managed.

Officers should take reasonable care to ensure that safety responsibilities are communicated to all staff, that appropriate safety procedures are in place, and that sufficient resources are allocated to health and safety. Any officers who are proactive and take reasonable care are not likely to be affected.

**Guide to acceptable evidence**

List of the officers as defined in the **Occupational Health and Safety Act 2004** in the supplier’s organisation.

Evidence of these officers’ participation in OHS activities. Examples of participation should include providing a copy of at least two of the following:

* Tool box talk minutes (evidence from criterion 4c)
* Safety Inspection (evidence from Criterion 7b)
* Safe Work Method Statement (SWMS) (evidence from criterion 7b)

**Suggested actions**

* Prepare a letter on the supplier’s letterhead that:
  + lists the officers involved in OHS activities
  + describes how these officers are involved in OHS activities
* Look at the supplier’s current work practices to locate Toolbox talk minutes, Safety Inspection and Safe Work Method Statement (SWMS).
* Speak to colleagues to see if they have suitable templates and make them apply to the supplier’s business
* Locate a suitable templates by using an internet search, for example SWMS template vic.

Note: this letter can be used to respond to this criterion and other criteria that require a letter. Make certain that the letter presents all relevant information. The following criteria also require a letter: 4a, 4b, 4d, 10b and 11. You may use the template: **Low value works projects – response to OHS management criteria**.

### Criterion 3: OHS Advisors

**OHS criteria**

Curriculum Vitae of person(s) with relevant OHS qualifications engaged or employed to advise the supplier of Works on OHS matters.

**Guide to acceptable evidence**

Evidence of membership of WorkSafe Victoria or an industry association. This may be done by providing:

* a statement from WorkSafe Victoria or an industry association stating that the supplier is a member.
* a copy of a receipt showing financial membership with WorkSafe Victoria or an industry association.

Evidence of receiving OHS information from WorkSafe Victoria or an industry association. This may be done by providing:

* a copy of a recent newsletter or email notice on an OHS topic sent by WorkSafe Victoria or an industry association.
* an extract from WorkSafe Victoria’s or an industry association’s website showing that the supplier can access and download content from the website. The extract needs to show that the download was made recently.

**Suggested actions**

* Ask WorkSafe Victoria or an industry association to provide a statement that the supplier is a member.
* Locate a copy of the latest receipt showing financial membership with WorkSafe Victoria or an industry association.
* Locate a copy of a recent newsletter or email notice on an OHS topic.
* Go to the website of WorkSafe Victoria or an industry association and locate newsletters or articles on OHS topics. Download copies and make certain that the date when the download was made can be seen on the evidence.

### Criterion 4: Consultation and issue resolution

### 4a. Management representation for consultation, issue identification and response

**OHS criteria**

The identity of the organisation’s management OHS representative / officer and any other resources assisting the identification of OHS concerns, their consideration and response.

Details of satisfactory training / qualifications or source of assistance.

**Guide to acceptable evidence**

List of the management person responsible for OHS (evidence from criterion 2).

Evidence that the management person has access to OHS information (evidence from criterion 3).

**Suggested actions**

* Collect the evidence for criteria 2 and 3.

### 4b. Elected Health & Safety Representative

**OHS criteria**

The identity of any employee(s) of the supplier of Works, or an employee of another employer where a multi-employer work-group has been agreed under Division 2 of Part 7 of the **Occupational Health and Safety Act 2004**, elected as a Health and Safety Representative under **Occupational Health and Safety Act 2004** and details of training undertaken by them.

*or*

Certification by the supplier of Works that there has been no request for designated work groups and the election of Health and Safety Representatives

**Guide to acceptable evidence**

Provide details and date of Health and Safety Representative election and copies of training certificate(s) or other relevant information.

or

Provide a signed statement to confirm that there has been no request for designated work groups and the election of Health and Safety Representatives.

**Suggested actions**

* Look at the supplier’s current work practices to locate details of an election for a Health and Safety Representative, if any, and training certificate held by the Health and Safety Representative.
* Prepare a letter on the supplier’s letterhead that states that there has been no request for designated work groups and the election of Health and Safety Representatives.

Note: this letter can be used to respond to this criterion and other criteria that require a letter. Make certain that the letter presents all relevant information. The following criteria also require a letter: 2, 4a, 4d, 10b and 11. You may use the template: **Low value works projects – response to OHS management criteria**.

### 4c. Consultation and issue resolution procedures

**OHS criteria**

How consultation and issue resolution are undertaken with employees and Health and Safety Representatives (if any) as required by the **Occupational Health and Safety Act 2004** and regulations.

**Guide to acceptable evidence**

Provide copies of consultation and issue resolution policies.

Provide evidence of how consultation is undertaken (for example, minutes of Toolbox meetings or other meetings with employees).

**Suggested actions**

Copies of consultation and issue resolution policies:

* Review the supplier’s current policies, if the supplier has these policies.
* Speak to colleagues to see if they have a suitable policy that could be used as a template.
* Locate a suitable policy by using an internet search for: OHS consultation procedure or OHS issue resolution procedure.

Evidence of how consultation is undertaken, for example Toolbox talk meetings:

* Review the supplier’s current policy, if the supplier has a policy.
* Speak to colleagues to see if they have suitable templates and make them apply to the supplier’s business.
* Look at the supplier’s current work practices to locate Toolbox talk minutes.
* Locate a suitable template by using an internet search for Toolbox talk meeting template.

### 4d. Health & Safety Committee

**OHS criteria**

Details of any Health and Safety Committee (where appropriate) and the charter or constitution or rules that show how the Committee operates (meeting the requirements of Part 7 of the **Occupational Health and Safety Act 2004**)

or

Certification by the supplier of Works that there has been no request for the establishment of a Health and Safety Committee.

**Guide to acceptable evidence**

Provide a copy of the committee charter or constitution or similar rules for the Health and Safety Committee.

or

Provide a signed statement to confirm that there has been no request for the establishment of a Health and Safety Committee.

**Suggested actions**

* Look at the supplier’s current work practices to locate the charter for the health and Safety Committee, if this committee exists.
* Prepare a letter on the supplier’s letterhead that states that there has been no request for designated work groups and the election of Health and Safety Representatives.

Note: this letter can be used to respond to this criterion and other criteria that require a letter. Make certain that the letter presents all relevant information. The following criteria also require a letter: : 2, 4a, 4b, 10b and 11. You may use the template: **Low value works projects – response to OHS management criteria**.

### 4e. Consulting and working with other parties

**OHS criteria**

The supplier of Works has duties in relation to its employees under section 21 of the **Occupational Health and Safety Act 2004**. These duties may require the supplier of Works to identify risks to its employees from attendance at workplaces that are managed or controlled by others, or at which the activities of others may expose the employees of the supplier of Works to OHS risks. The supplier of Works in carrying out its activities including attendance at workplaces, also has a duty to persons who are not employees under section 23 or 24 of the **Occupational Health and Safety Act 2004**.

Others involved in work in which the supplier of Works is involved may also owe duties to the supplier of Works and its employees.

The supplier of Works must accordingly demonstrate:

* how it consults with other parties to ensure each has necessary OHS information; and
* how it determines what is needed to work together with other parties for effective OHS risk management.

Other relevant parties may include the client, sub-contractors, other suppliers of labour, those with management or control of the workplace and suppliers of plant or substances.

**Guide to acceptable evidence**

Provided two of the following:

* Minutes of project meeting. The minutes should show that safety issues were raised and that the parties are working together to manage OHS risk.
* Email correspondence with architect or engineer, local council, suppliers or subcontractors. The email should show that consultation on a safety issue was raised and that the parties are working together to manage OHS risk.

**Suggested actions**

* Look at the supplier’s current work practices to locate minutes of meetings or emails.

### Criterion 5: Currency of awareness of OHS

**OHS criteria**

Method(s) used to keep updated on changes to OHS legislation, regulations and guidelines and other information to maintain ongoing awareness of OHS requirements.

**Guide to acceptable evidence**

Evidence of membership of WorkSafe Victoria or an industry association. This may be done by providing:

* a statement from WorkSafe Victoria or an industry association stating that the supplier is a member.
* a copy of a receipt showing financial membership with WorkSafe Victoria or an industry association.

Provide evidence of receiving OHS information from at least one source, for example from one of the following:

* Industry association, such as Master Builders Association of Victoria; Housing Industry Association of Victoria; other safety alerts/bulletins
* WorkSafe Safety Soapbox
* WorkSafe Australia

**Suggested actions**

* Ask WorkSafe Victoria or an industry association to provide a statement that the supplier is a member.
* Locate a copy of the latest receipt showing financial membership with WorkSafe Victoria or an industry association.
* Locate a copy of a recent newsletter or email alert on an OHS topic sent by WorkSafe Victoria or an industry association.
* Go to the website of WorkSafe Victoria or an industry association and locate newsletters or articles on OHS topics. Download copies and make certain that the date when the download was made can be seen on the evidence.

### Criterion 6: Induction and training

### 6a. Processes

**OHS criteria**

Details of processes by which the supplier of Works ensures that no person enters or works upon a construction site without induction or otherwise in compliance with requirements of regulations.

**Guide to acceptable evidence**

Provide a copy of the organisation’s Induction Policy.

**Suggested actions**

Review the supplier’s current policy, if the supplier has a policy.

Speak to colleagues to see if they have a suitable policy that could be used as a template.

Locate a suitable policy by using an internet search for: OHS induction policy template, or whs induction procedure.

### 6b. Records

**OHS criteria**

Confirmation that OHS induction and necessary training of supplier of Works’ employees and sub-contractors are ensured. Induction of people other than employees of the supplier of Works to workplaces under the management or control of the supplier of Works should also be provided for.

The purpose of the induction is to ensure that the employees and others have an awareness of the workplace specific hazards and risks and measures in place to manage the risks (including emergency and evacuation measures).

The purpose of training is to enable the supplier of Works’ employees and sub-contractors to perform their work in a way that is safe and without risks to their health.

**Guide to acceptable evidence**

Completed induction form (at least one) to show that the Induction Procedure is being followed.

**Suggested actions**

Look at the supplier’s current work practices to locate a copy of a completed induction form.

Speak to colleagues to see if they have a suitable form that could be used as a template.

Use an internet search to locate information on what should be included in a safety induction. This was completed for criterion 6a.

Locate a suitable template by using an internet search for: OHS induction template.

Note: a blank template is not enough. The template needs to be have been used in a project to provide evidence for this criterion.

### Criterion 7: Hazard identification and risk control

### 7a. Hazards and risk control

**OHS criteria**

The means by which hazards and risks associated with the activities of the supplier of Works are identified, assessed and controlled

**Guide to acceptable evidence**

Provide a copy of the organisation’s Risk Management policy.

**Suggested actions**

Look at the supplier’s current work practices to locate a copy of this policy.

Speak to colleagues to see if they have a suitable policy that could be used as a template.

Locate a suitable template policy by using an internet search for: OHS identify assess control risks, or hazard identification risk assessment and control procedure.

### 7b. Compliance with legal requirements

**OHS criteria**

The means for compliance with specific legal requirements.

Note: Health and Safety Coordination Plans are required to be developed and maintained by supplier of Works where they are appointed to the role of Principal Contractor.

(Regulations 335, 336 and 337 of the **Occupational Health and Safety Regulations 2017**)

**Guide to acceptable evidence**

Provide evidence that Risk Management policy is implemented. Provide two of the following:

* Health and Safety Coordination Plan
* Safety Inspection
* Safe Work Method Statement (SWMS) / Job Safety Analysis (JSA) / Safe Operating Procedure (SOP)
* Risk Register used for a project

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

Locate suitable templates by using an internet search for any of the templates listed above.

Note: a blank template is not enough. The template needs to be have been used in a project to provide evidence for this criterion.

### Criterion 8: Contractor and sub-contractor safety management

**OHS criteria**

Procedures for managing the obligations of the supplier of Works under the **Occupational Health and Safety Act 2004** for the safety of independent contractors (sub-contractors) engaged by the supplier of Works and of the employees of sub-contractors and others.

**Guide to acceptable evidence**

Provide a copy of the organisation’s Subcontractor Management Procedure.

Provide evidence of that the Subcontractor Management Procedure is being used. This can be done by providing copies of two of the following:

* Subcontractor’s Safe Work Method Statement (SWMS).
* Subcontractors attendance at Toolbox meetings or at project meetings.
* Subcontractor engagement agreement, showing relevant contract clauses.
* Subcontractor performance assessment.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

Look at the supplier’s current work practices to locate completed copies of Subcontractor’s Safe Work Method Statement (SWMS), minutes from Toolbox talk meetings that show that subcontractors were present.

Locate suitable templates by using an internet search for any of the templates listed above.

Note: a blank template is not enough. The template needs to be have been used in a project to provide evidence for this criterion.

**Criterion 9: Emergency response**

### 9a. Procedures and first aid

**OHS criteria**

Effective emergency response procedures including review and testing requirements, the availability of suitable first aid facilities, and employee first aid training.

**Guide to acceptable evidence**

Provide a copy of the organisation’s Emergency Procedures Policy / procedure.

Provide a copy of the organisation’s First Aid Policy / procedure.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

Speak to colleagues to see if they have a suitable policy that could be used as a template.

Locate suitable templates by using an internet search for: Emergency procedure policy, First aid procedure.

### 9b. Information and testing

**OHS criteria**

The effective dissemination of emergency response information and of testing of emergency response procedures in the past 12 months.

**Guide to acceptable evidence**

Provide evidence that Emergency Procedures Policy and First Aid Policy are implemented. Provide two of the following:

* Record of evacuation drill
* Completed Assessment of First Aids Needs of the Workplace
* Certificates of any First Aiders

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

Speak to colleagues to see if they have a suitable documents that could be used as a template.

Locate suitable templates by using an internet search for any of the templates listed above.

Note: a blank template is not enough. The template needs to be have been used in a project to provide evidence for this criterion.

**Criterion 10: Incident notification, investigation and response**

### 10a. Internal incident notification

**OHS criteria**

System for the notification of all incidents internally and (where relevant) to the employer with management and control of the workplace.

**Guide to acceptable evidence**

Provide a copy of the organisation’s Incident reporting, Notification & Investigation policy / procedure.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

Speak to colleagues to see if they have a suitable policy that could be used as a template.

Locate suitable templates by using an internet search for: Emergency procedure policy, First aid procedure.

### 10b. Notification of incidents to WorkSafe Victoria

**OHS criteria**

**Where a notifiable incident has occurred**

System for the notification of incidents to WorkSafe Victoria as required by Part 5 of the **Occupational Health and Safety Act 2004** (immediate oral notification of death, serious injury or an incident involving immediate risk to people from specified events).

**Guide to acceptable evidence**

Provide evidence that Incident reporting, Notification & Investigation policy / procedure is implemented.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of incident notification documents.

If the supplier as a procedure describing how incidents are notified, provide a copy of this policy.

**Where a notifiable incident has not occurred**

Where there has been no notifiable incidents as outlined in **Criterion 10b**, the supplier of Works must provide a signed statement to that effect.

**Guide to acceptable evidence**

Where there has been no enforcement activity, provide a letter stating that there has been no enforcement activity of the types listed in Criterion 11 has been taken against the supplier.

**Suggested actions**

Prepare a letter on the supplier’s letterhead that responds to this criterion.

Note: this letter can be used to respond to this criterion and other criteria that require a letter. Make certain that the letter presents all relevant information. The following criteria also require a letter: 2, 4a, 4b, 4d and 11. You may use the template: **Low value works projects – response to OHS management criteria**.

### 10c. Investigation and action taken

**OHS criteria**

System for investigating incidents to determine causes, identify and implement appropriate action to prevent a recurrence.

**Guide to acceptable evidence**

No specific evidence is required. Evidence for this criterion is provided in the response to criterion 10a.

**Criteria Nos. 11 and 12**

Criteria Nos. 11 and 12 relate to the supplier of Works’ OHS Performance as indicated by:

* the level of OHS related enforcement activity;
* the supplier of Works’ response to such activity; and
* the supplier of Works’ insurance premium rate compared with the industry.

The way a supplier of Works responds to enforcement activity and notices, including the supplier of Works’ implementation of remedial action, can be an indicator of effective and continually improving OHS systems and processes.

Workers compensation premium rates are related to industry average performance. A premium rate of more than 150% of the industry rate may reflect an unacceptably high level of claims.

**Criterion 11: Enforcement activity**

This performance criterion seeks evidence of the supplier of Works’ response to enforcement activity.

**Where there has been enforcement activity**

**OHS performance criteria**

Enforcement activity within the past 24 months or issues raised by any WorkSafe Victoria, Environment Protection Authority, Energy Safe Victoria or other relevant inspectorate and/or Health and Safety Representative including:

* prohibition notices;
* improvement notices;
* written directions;
* provisional improvement notices issued by a Health and Safety Representative;
* activities relating to an incident notified to WorkSafe Victoria under Part 5 of the **Occupational Health and Safety Act 2004**; and
* any prosecution commenced by WorkSafe Victoria or completed, within the period.

**Guide to acceptable evidence**

Where enforcement activity has occurred, provide copies of relevant documents relating to the enforcement activity or issues raised including:

* WorkSafe Victoria Entry Reports and notices;
* notices from other relevant bodies;
* provide documents showing the action taken by the supplier of Works to correct deficiencies identified in the notices or proceedings.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

**Where there has been no enforcement activity**

**OHS performance criteria**

Where there has been no relevant inspectorate or regulatory activity, notices, or prosecutions of the kind outlined in **Criterion 11** the supplier of Works must provide a signed statement to that effect.

**Guide to acceptable evidence**

Where there has been no enforcement activity, provide a letter stating that there has been no enforcement activity of the types listed in Criterion 11 has been taken against the supplier.

**Suggested actions**

Prepare a letter on the supplier’s letterhead that responds to this criterion.

Note: this letter can be used to respond to this criterion and other criteria that require a letter. Make certain that the letter presents all relevant information. The following criteria also require a letter: 2, 4a, 4b, 4d and 10b. You may use the template: **Low value works projects – response to OHS management criteria**.

**Criterion 12: Workers Compensation insurance**

**OHS performance criteria**

Comparison of the supplier of Works’ insurance premium rate with that of the industry as a reflection of the supplier of Works’ claims history.

The supplier of Works’ current insurance premium rate not exceeding 150% of industry rate for the past 3 years.

Not required for self‑employed person not having employees or deemed employees.

**Guide to acceptable evidence**

Provide copies of:

* WorkCover Certificate of Currency (for the current year).
* WorkCover Premium Notice (for the current year) which shows premium rate as a %.

**Suggested actions**

Look at the supplier’s current work practices to locate copies of these documents.

A sample WorkCover premium notice is attached at Annex 1.

## Part 3 – Checklist - Summary list of sample evidence

|  |  |  |
| --- | --- | --- |
| **Evidence** | **Refers to Criteria** | **🗹** |
| OHS Policy | 1 |  |
| Letter describing how the criterion is met (the same letter can be used for more than one criteria)  You may use the template: **Low value works projects – response to OHS evaluation criteria template** for this letter. | 2, 4a, 4b, 4d, 10b, 11 |  |
| Tool box talk minutes | 2, 4c |  |
| Safety Inspection | 2, 7b |  |
| Safe Work Method Statement (SWMS) | 2, 7b |  |
| Membership of WorkSafe Victoria or an industry association. May be a statement from WorkSafe Victoria or the industry association, or a copy of the latest receipt showing financial membership | 3, 4a, 5 |  |
| Sample OHS information received from WorkSafe Victoria or an industry association | 3, 4a, 5 |  |
| Details and date of Health and Safety Representative election OPTIONAL – provide only if an election has occurred | 4b |  |
| Consultation and issue resolution policies | 4c |  |
| Health and Safety Committee charter OPTIONAL – provide only if a Health and Safety Committee is used | 4d |  |
| Minutes of meetings or emails to show that safety issues were raised and that the parties are working together to manage OHS risk | 4e |  |
| Induction Policy | 6a |  |
| Induction form (a completed form used to induct an employee or subcontractor) | 6b |  |
| Risk Management policy | 7a |  |
| Health and Safety Coordination Plan  Safety Inspection  Job Safety Analysis (JSA) / Safe Operating Procedure (SOP)  Risk Register used for a project | 7b |  |
| Subcontractor Management Procedure | 8 |  |
| Subcontractor’s Safe Work Method Statement (SWMS).  Subcontractors attendance at Toolbox meetings or at project meetings.  Subcontractor engagement agreement, showing relevant contract clauses.  Subcontractor performance assessment | 8 |  |
| Emergency Procedures Policy / procedure | 9a |  |
| First Aid Policy / procedure | 9a |  |
| Record of evacuation drill  Completed Assessment of First Aids Needs of the Workplace  Certificates of any First Aiders | 9b |  |
| Incident reporting, Notification & Investigation policy / procedure | 10a |  |
| WorkSafe Incident Notification form, or letter | 10b |  |
| Where enforcement activity has occurred, provide:   * copies of relevant documents, and * documents showing the action taken by the supplier of Works to correct deficiencies | 11 |  |
| WorkCover Certificate of Currency / Premium Notice (for the current year) | 12 |  |

|  |  |
| --- | --- |
|  |  |
|  |  |