

Work Health and Safety Conditions for Contracted Work



1. PURPOSE AND SCOPE

The Work Health and Safety Conditions for Contracted Work define the minimum requirements of the Energy Queensland (EQL) group of companies for the management of the Workplace Health and Safety (WH&S) and electrical safety risks associated with all activities where there is a formal contractual arrangement (Works Under Contract). The WH&S conditions for contracted work apply to all service, material and labour hire providers engaged by EQL. The purpose of the WH&S conditions is to ensure:

- Health and safety of individuals at the workplace;
- Health and safety of the public;
- Safe operation of plant and equipment; and
- Compliance to all relevant legislation, standards and procedures.

The WH&S conditions form part of the Contract associated with the Works Under Contract or requested services. The WH&S conditions set a minimum standard on which the Contractor's safe system of work is to be developed which is to be applied during the performance of contracted works. It does not offer definitive advice or direction on procedures or work practices to be adopted in the performance of work. Conformance with the WH&S Conditions will ensure that work is performed in a manner which does not impose unreasonable risk to workers, the community in general and others who may from time to time interface with the work process. This document does not supersede or diminish any additional legislative/legal requirements incumbent upon the Contractor.

2. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

Contractor Contractors are any external third party contracted to provide services, Minor Works Construction and High Risk Construction work including core work.

DNSP Distribution Network Service Provider

EQL Energy Queensland Limited group – The subsidiaries in the Energy Queensland Group include (but are not limited to): Energex Limited, Ergon Energy Corporation Limited, Yurika Pty Ltd, Ergon Energy Telecommunications Pty Ltd t/as Nexium, Metering Dynamics Pty Ltd, Ergon Energy Queensland Pty Ltd (Ergon Retail) and SPARQ Solutions Pty Ltd.

PCBU Person Conducting a Business or Undertaking (PCBU) - A 'person conducting a business or undertaking' (PCBU) is a legal term under WHS laws for individuals, businesses or organisations that are conducting business. A person who performs work for a PCBU is considered a worker.

PC Principal Contractor

PPE Personal Protective Equipment

RTO Registered Training Organisation

SSoW Safe System of Work

SWMS Safe Work Method Statements

WCS Work Category Specification

WH&S Work Health & Safety

WUC Works Under Contract

3. REFERENCES

- R073. HSE & Asset Incident Management Framework (Reference)
- R075. Statutory Incident Reporting Requirements (Queensland)
- R082. Statutory Incident Reporting Requirements (Tasmania)
- R083. Statutory Incident Reporting Requirements (New South Wales)
- R084. Statutory Incident Reporting Requirements (Victoria)
- R085. Statutory Incident Reporting Requirements (Western Australia)
- R086. Statutory Incident Reporting Requirements (Northern Territory)
- R087. Statutory Incident Reporting Requirements (South Australia)
- R088. Statutory Incident Reporting Requirements (Australian Capital Territory)
- R115. Statutory Incident Reporting Requirements (Commonwealth)
- S008. Standard for the Management of Alcohol and other Drugs (Standard)

Electrical Safety Act 2002

Heavy Vehicle National Law Act 2012

Work Health Safety Act 2011

Work Health Safety Regulations 2013

4. WORK HEALTH AND SAFETY CONDITIONS

4.1. Compliance

The Contractor must, as far as reasonably practicable, ensure that:

- It will comply with the WH&S conditions;
- It will ensure that its employees, the subcontractors, agents and representatives and their employees comply with the WH&S conditions; and
- That all Work Under Contract or Services performed by its employees, subcontractors, agents, representatives and their employees comply with the WH&S Conditions.

The Contractor also acknowledges the powers of the Principal's Representative under the General Conditions of Contract in relation to WH&S and electrical safety.

It is the responsibility of the Contractor to ensure its subcontractors comply with these WH&S Conditions. If a contractor becomes aware that its subcontractor is not compliant with these WH&S conditions, the contractor must immediately notify EQL of the non-compliance, and cease utilising that subcontractor/s.

4.2. Appointment of Principal Contractor

Where it is practicable to do so, EQL will appoint in writing the Contractor to become the Principal Contractor (PC) for the Works under Contract and as a consequence, the Contractor will assume full liability and accountability in the fulfilment of all attendant legal and legislative obligations imposed upon a Principal Contractor in addition to compliance with this specification.

4.3. Safe System of Work

Contractors undertaking work for EQL are to have their own documented Safety Management Systems/ Safe System of Work (SSoW). A Safe System of Work is a risk assessed documented methodology for performing work that ensures the safety of workers and any other persons affected by the work. In the design of the safe system of work the Contractor must:

- Consider legislation, contemporary technical standards and approved codes of practice applicable to their business;
- Systematically identify all hazards in the workplace;
- Determine which of the hazards are significant;
- Take all steps to eliminate the risks to health and safety so far as reasonably practicable; and
- If not reasonably practicable to eliminate the risk to health and safety, minimise those risks as far as reasonably practicable using the hierarchy of controls.

When EQL is the Principal Contractor (PC), Contractors must provide their EQL contract representative with their documented SSoW for the activities being undertaken prior to commencing work. The Contractor must maintain and regularly review their SSoW for the duration of the contract. If the SSoW is altered the Contractor is to inform EQL of these changes. When requested by EQL, the Contractor must submit a complete copy of its current Safety Management System within 5 working days to their EQL contract representative.

The Contractor's SSoW must provide, and have available on site, a documented process for the safe conduct of the activities to be undertaken. This documented activity Safe System of Work must include at least:

- A description of the work to be undertaken;
- A statement of the hazards relating to the work and the risks to health and safety associated with those hazards;
- A description of the measures to be implemented to control the risks; and
- A description of how the control measures are to be monitored and reviewed.

The Contractor's documented Safe System of Work must outline a system is in place to monitor and review the following, where applicable to the WUC:

- Evidence that plant and equipment carries the appropriate current test, calibration, log book or approval certificate/s;
- Evidence of the licensing, accreditation, approval, or competence of any person engaged by them to carry out any task;
- Evidence that all employees are accredited to perform work in accordance with any appropriate legislation applicable to the work;
- A process for the management and use of hazardous substances that includes maintaining the SDS and associated risk assessments;
- A process for identifying the location of all underground services prior to the commencement of any drilling, boring, trenching or excavation works whether on public or private property and ensuring that safe work practices are employed when working in proximity;

- A process to comply with the Electrical Safety requirements where a worker is to perform work near exposed live parts. This is to include the requirements for the authorisation of appropriate persons who could undertake an activity where there is a reasonable likelihood that persons, objects being handled by persons or operating plant/machinery or vehicles can come into direct contact with or enter an exclusion zone for an overhead electric line.

The Contractor shall also comply and maintain compliance with any reasonable direction of any authorised EQL representative or any person acting under any statutory power on any issues relating to the workplace health and safety of persons at a workplace.

4.4. Legislative Requirements

The Contractor must ensure that they have developed a Safety Management System/ Safe System of Work for the Works Under Contract or Services that complies with and maintains compliance with legislative obligations. This includes compliance with all applicable health and safety legislation, including the following acts and their associated regulations: *Work Health Safety Act 2011*, *Electrical Safety Act 2002*, and the *Heavy Vehicle National Law Act 2012*. The Contractor must also comply with all applicable Codes of Practice and Australian Standards.

4.5. Standards and Procedures

All work carried out by Contractors must be in accordance with their own Safe System of Work and include requirements from any applicable and current standards and procedures relevant to the Works Under Contract or Services. Where standards in excess of applicable obligations are required by EQL, those standards must be applied by the Contractor when carrying out work for or on behalf of EQL.

4.6. Work Category Specifications/ Technical Specifications

Some Works Under Contract will reference a Work Category Specification (WCS) or Technical Specification for the work to be undertaken. The WCS is a document that outlines the service requirements for the category of work and includes any specific requirements that the Contractor must consider in the development of their safe system of work for the activity to be undertaken. The WCS will also form the basis for the criteria for audits of the Contractors activities in conjunction with an audit of their safe system of work. If a Work Category Specification is referenced in the Contract, then the Contractor must ensure that its employees, subcontractors, agents and representatives and their employees comply with the specified requirements, in addition to WH&S conditions covered within this document.

4.7. WH&S Management Plan for Construction Projects

A WH&S Management Plan is a requirement under WH&S legislation for construction projects. A construction project is construction work valued over \$250K. For these projects, Contractors acting as the PC shall provide a WH&S Management Plan to their EQL contract representative prior to the commencement of work for review. The Service Provider must comply with the obligations relating to construction projects in Part 6.4 of the *WH&S Regulation (Section 309(2))*.

4.8. Competency, Licensing, Inductions and Authorizations

The Contractor must ensure that anyone (including subcontractors, agents and representatives) who performs the Work Under Contract or the Services holds the necessary licences, authorisations, qualifications, competencies, inductions and/or training that enables them to legally and competently perform such work or service as per the contract documentation.

The Contractor is to refer to the relevant schedule in the General Conditions or Work Category Specification/ Technical Specification for specific guidance on induction, training and authorisations required for the Work Under Contract.

Contractors shall make their own arrangements with a Registered Training Organization (RTO) for training needs. All costs of training including accommodation, meals, travelling expenses and employees' wages will be borne by the Contractor. Successful completion of the necessary Induction, training, and authorisations is mandatory prior to commencing the WUC.

Should the Contractor employ additional staff or subcontractors, they will also be required to successfully complete the necessary induction, training and authorisations prior to commencing the WUC.

4.9. Specific Risks and Treatment Requirements

EQL will identify and provide any known specific hazards associated with the Works Under Contract. The Contractor must give specific consideration to the identified risk exposures where they are relevant to the nature of the work to be carried out in the development of their safe system of work. Accordingly proposed risk treatments should form an integral part of the WH&S Management Plan developed for the works.

4.10. Alcohol and Drugs

EQL is committed to ensuring that impairment due to alcohol and drugs does not affect health and safety of people at work.

Where Contractors work at or attend an EQL workplace, the S008. Standard for the Management of Alcohol and other Drugs (Standard) will apply, which include random testing. It is a requirement that contractor staff working at an Energy Queensland location will participate in this testing. A copy of the S008. Standard for the Management of Alcohol and other Drugs (Standard) can be obtained from their EQL contract representative.

Contractors will have systems and processes, appropriate to their operations to ensure that impairment due to drugs or alcohol does not affect the health or safety of any person on Contractor controlled sites.

4.11. Fatigue Management

The Contractor must comply with all regulatory requirements and demonstrate that it will achieve a level of fatigue risk management consistent with the fatigue management processes utilised by both Distribution Network Providers (DNSP). A copy of the relevant Fatigue Management guideline for information purposes can be obtained from their EQL contract representative.

For the operation of heavy vehicles including fatigue-related heavy vehicles, the Contractor must comply with – and must ensure its subcontractors comply with - the fatigue obligations in the *Heavy Vehicle National Law Act 2012 (Qld)* and any associated regulations.

4.12. Physical and Mental Health

The Contractor should have adequate systems and processes in place to manage the physical and mental health of workers and to ensure their fitness for work.

4.13. Remote Work

The Contractor should have adequate systems and processes in place to manage the additional risks of workers in remote locations (i.e. call back to base, remote communication tools such as UHF, satellite telecommunication).

4.14. Personal Protective Equipment and Clothing

The Contractor must ensure that its employees and the employees of its subcontractors, agents and representatives wear all suitable PPE in designated work areas.

Where electrical hazards may be encountered, EQL has committed to meet the National Energy Network Standards (ENA NENS 09 National guidelines) for the selection, use and maintenance of personal protective equipment for electrical hazards. It is EQL's requirement that its Contractors comply to this standard as part of its duty to select suitable PPE having regard to the nature of the work and any hazard associated with this work.

4.15. Vehicles and Plant

All vehicles and plant used by the Contractor and its subcontractors are to comply with relevant legislation and standards, be fit for purpose, serviced and maintained. Heavy vehicles must comply with the *Heavy Vehicle National Law Act 2012 (Qld)* and any associated regulations.

4.16. Monitoring and Audit Activities

EQL has a duty to monitor its Contractor's health and safety and may conduct monitoring activities to assess the Contractor's workplace health safety and electrical safety performance, including compliance with these WH&S conditions and submitted Contractor WH&S Management Plan. The means by which such monitoring and inspections may be undertaken include, but are not limited to:

- Safety observations;
- Audits;
- Workplace inspections and work activity assessments;
- Plant, tool and equipment inspections;
- Review of permits, risk assessments, Safe Work Method Statements and WH&S Management Plan/Traffic Management Plan, copies of which will be provided by the Contractor upon the request of EQL.

The Contractor must be able to provide copies of their safe system of work relevant to the work being undertaken. Evidence of compliance with the provisions of this specification will be sought by EQL as appropriate from the Contractor/s by any or all of the following means:

- Risk assessment/ Hazard identification process applied to work activities;
- On site audit/inspection of field work activities of the Contractor by EQL contract supervisors, Health and Safety staff, or other duly appointed auditors;
- Provision of documentation by the Contractor;
- Evidence of the existence and application of Standard Working Procedures (SWP) and/or work instructions;
- Evidence of mandatory testing/inspection/registration of plant/equipment used in the performance of work;

- Provision of certificates of competency or evidence of accreditation relevant to the class of work being undertaken;
- Provision of results of audit processes implemented by the Contractor to ensure that established procedures exist and are followed by their employees in the conduct of field work activities;
- Provision of physical evidence of the lodgement of all necessary notifications and payment of all relevant fees/levies associated with the works being undertaken.

The Contractor must ensure that it develops and implements an internal audit process to ensure the existence, integrity and application of safe field work practices intended to secure the safety of employees and all other persons. Contractors must be able to provide a copy of the audit plan for the specific WUC upon request of EQL, to their EQL contract representative.

4.17. Incident Notification

The Contractor shall ensure compliance with legislative requirements, and the requirements set within R073. HSE & Asset Incident Management Framework (Reference) and the following Commonwealth, State and Territory specific EQL Statutory Incident Reporting Requirements for incident notification, regulatory reporting and investigation requirements:

- R075. Statutory Incident Reporting Requirements (Queensland)
- R082. Statutory Incident Reporting Requirements (Tasmania)
- R083. Statutory Incident Reporting Requirements (New South Wales)
- R084. Statutory Incident Reporting Requirements (Victoria)
- R085. Statutory Incident Reporting Requirements (Western Australia)
- R086. Statutory Incident Reporting Requirements (Northern Territory)
- R087. Statutory Incident Reporting Requirements (South Australia)
- R088. Statutory Incident Reporting Requirements (Australian Capital Territory)
- R115. Statutory Incident Reporting Requirements (Commonwealth)

Copies of the Framework documentation can be obtained from the EQL contract representative.

The Contractor shall ensure it complies with legislative requirements in respect of reporting incidents and with the applicable EQL Statutory Incident Reporting Requirements. Where the Contractor reports an incident to a statutory body, a copy of the notification shall be forwarded to EQL immediately (incidentmanagement@energyq.com.au). EQL may also report the incident to the relevant regulatory body.

In accordance with R073. HSE & Asset Incident Management Framework (Reference), contractors must undertake an investigation into each incident reportable to EQL and provide a copy of the investigation report to the EQL contract representative.

4.18. Protection of Accident Site

The site of all reportable incidents must remain unaltered except to eliminate danger to persons, property, save life or relieve suffering. Activity will resume only when clearance has been given by the responsible manager or department head in response to advice from statutory bodies.

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4.19. Performance Reporting

The Contractor will be required to provide EQL with cyclic WH&S and electrical safety performance data and statistics as outlined in the General Conditions of Contract.

4.20. Waiver

The failure by EQL at any time to enforce any of its powers, remedies or rights under the WH&S conditions will not constitute a waiver of those powers, remedies or rights or affect EQL's rights to enforce those powers, remedies or rights at any time.

4.21. Contractor Performance Evaluation

EQL shall evaluate the WH&S and electrical safety performance of the Contractor at the completion of the Works Under Contract or Services. The WH&S and electrical safety performance of the Contractor will help determine their continued eligibility and suitability for future contracts.