

NSW Trains

NSW Trains is a New South Wales Government Agency
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GENERAL SAFETY SPECIFICATION FOR LABOUR HIRE FIRMS

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1.1	22 March 2007	2.6	Amended to require the Labour Hire Firm to ensure each Contract Worker is made aware of and understands his or her obligations under the <i>Rail Safety (Drug and Alcohol Testing) Regulation 2003</i> (NSW).	J. Panayi
1.2	15 May 2008	1.2, 2.2(b), Appendix 1	General revision including amendments to Rail Industry Safety Induction (RISI) training requirements.	J. Panayi
1.3	29 September 2008	2.2(b), 2.5(a)	General revision including amendments to RISI training requirements to better align with current Rail Industry Safety Induction Network Standard.	J. Panayi
1.4	1 January 2009	All	Amend Name of Organisation to RailCorp a New South Wales Government Agency	S Walley
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SAFETY SPECIFICATION FOR LABOUR HIRE FIRMS

1 GENERAL

1.1 Application

This Safety Specification applies to all Labour Hire Firms.

1.2 Definitions

In this Safety Specification:

Authorised Health Professional and **Risk Category** have the meanings given in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers*.

construction work, general induction training, general induction cards, general induction training certification, personal protective equipment, plant, authorisation have the meanings given in the *WHS Act and Regulation*.

Contract Worker means an employee or subcontractor of a Labour Hire Firm who carries out work at NSW Trains' Premises under NSW Trains' supervision and direction.

Danger Zone has the meaning given in the NSW Trains *RailSafe Network Rules*.

drug, prescribed concentration of alcohol and testing officer have the meanings given in the *Rail Safety (Drug and Alcohol Testing) Regulation 2008 (NSW)*.

health information has the meaning given in the *Health Records and Information Privacy Act 2002 (NSW)*.

Labour Hire Firm means a corporation or other entity that provides supplementary labour to NSW Trains.

NSW Trains means is a New South Wales Government Agency constituted under the *Transport Administration Act 1988 (ABN 50 325 560 455)*.

PCBU or person conducting a business or undertaking has its meaning as defined in the *WHS Act 2011*.

Premises means any NSW Trains premises and any place where work is conducted by, on behalf of, or under the direction or influence of NSW Trains.

Rail Corridor has the meaning given in the NSW Trains *RailSafe Network Rules*.

Registered Training Organisation has the meaning given in Section 1.15 of the WHS Regulation.

RS Act means the *Rail Safety Act 2008*.

RS Regulations means the *Rail Safety (General) Regulation 2008*, the *Rail Safety (Drug and Alcohol Testing) Regulation 2008*, the *Rail Safety (Offences) Regulation 2008* and any other regulation made under the RS Act from time to time.

rail safety worker and **rail safety work** have the meanings given in the *RS Act*.

WHS Act means the *Work Health and Safety Act 2011*.

WHS Laws means all relevant and applicable laws (including the WHS Act, WHS Regulation, RS Act and RS Regulations), codes, standards and guidelines relating to health and safety in the work-place including any codes of practice or guidelines issued by WorkCover or any other relevant industry group, all as amended or replaced from time to time.

WHS Regulation means the *Work Health and Safety Regulation 2011*.

1.3 Comply with laws

The Labour Hire Firm must comply with, and must ensure that each Contract Worker complies with, the WHS Laws. A non-exhaustive list of contacts and relevant legislation, codes, standards, guidelines, rules, policies and procedures relating to health and safety in the work-place is contained at Appendix 1

2 WORKING AT NSW TRAINS' PREMISES

2.1 Hazard identification and risk assessment

Before carrying out any work the Labour Hire Firm must ensure the Contract Worker, in consultation with NSW Trains:

- (a) identifies any current or foreseeable hazard associated with the Premises and the work to be carried out by the Contract Worker,
- (b) identifies and assesses any risk arising from any hazard identified, and
- (c) Eliminates any risk or, if it is not reasonably practicable to eliminate the risk, develop measures or procedures to effectively control and minimise the risk (including by giving consideration to the WHS Laws).

- (d) Use Code of Practice and Guidance materials from WorkCover NSW and other relevant industry groups to develop measures or procedures to effectively control risks. Refer to Appendix 1 for suggested guidance materials.

2.2 Review of risk assessments and control measures

The Labour Hire Firm must ensure each Contract Worker reviews the risk assessment conducted in accordance with clause 2.1, and any measures adopted to control the risk, whenever:

- (a) there is evidence to suggest that the risk assessment is no longer valid, or
 - (b) injury or illness results from exposure to a hazard to which the risk assessment relates, or
 - (c) a significant change is proposed in the place of work, the scope of work or in work practices or procedures to which the risk assessment relates.
- (d) Periodically as per Clause 38 of the WHS Regulation 2011

2.3 Competence of employees

The Labour hire Firm must ensure that each Contract Worker:

- (a) has the necessary skills, knowledge, qualifications, training, competence and experience, and
- (b) has appropriate verbal and written language skills and the necessary literacy,

to carry out the work, including qualifications, certification and competencies required under the WHS Laws.

2.4 Contractor's Licences

(a) Contract Workers licence

Before a Contractor Work carries out any work for which a licence or a high risk work licence (as referred to in the WHS Regulation) is required, the Labour Hire Firm must:

- (i) ensure that the Contract Worker has the requisite licence; and
- (ii) provide to NSW Trains satisfactory written (eg photocopied) evidence of the licence.

(b) Contract Workers Work Method

The Labour Hire Firm must ensure that any work for which a license or a high risk work licence is required is conducted in accordance with any requirements in the WHS Laws.

2.5 Contract Workers conformance to NSW Trains permits

(a) Definitions

In this clause:

Confined Spaces, electrical work, asbestos removal, demolition, hot works and **permit** have the meanings given in NSW Trains Safety Management System and RailSafe Network Rules NSW Trains Electrical Network Safety Rules.

(b) This clause applies in addition to clause 2.4.

(c) Permits

Before carrying out any work in confined spaces, electrical work, asbestos removal, demolition or hot work the Labour Hire Firm must provide to NSW Trains satisfactory evidence of the Contract Workers ability to satisfy NSW Trains requirements to carry out that work.

Where required by the WHS Laws, the contractor must make the notifications required to the regulator and provide NSW Trains with evidence of this notification prior to commencing work.

2.6 Authorisation of workers

The Labour Hire Firm must ensure that each Contract Worker who will be carrying out work is authorised (as defined and as may be required by the WHS Act) pursuant to Part 4 of the WHS Act in relation to work of that kind.

2.7 Horizontal consultation

If the Labour Hire Firm and another person (or persons) (including but not limited to NSW Trains) have a duty in relation to the same matter under the WHS Act, the Labour Hire Firm must, in accordance with the WHS Laws, consult, co-operate and co-ordinate activities with the other person (or persons) (including but not limited to NSW Trains).

2.8 Safety briefings

The Labour Hire Firm must ensure that each Contract Work carrying out work attends any safety briefing ('Toolbox Talk' or pre-work briefing) if required from time to time by NSW Trains.

3 CONSTRUCTION WORK

3.1 Definitions

In this clause:

construction work, general induction training, general induction cards, general induction training certification, and safe work method statement have the meanings given in the WHS Regulation.

Guidelines means the New South Wales Government *Occupational Health and Safety Management Systems Guidelines*, 4th Edition, June 2004.

3.2 Safe work method statements

The Labour Hire Firm must ensure that:

- (a) its Contract Workers prepare safe work method statements in accordance with the WHS Laws and the Guidelines

- (b) the work for which a safe work method statement is prepared does not commence until:
 - (i) each relevant Contract Worker review the safe work method statement, and
 - (ii) each relevant Contract Worker sign an acknowledgement that they understand and will implement the risk control measures or procedures specified in the safe work method statement, and
 - (iii) the Contract Worker has obtained NSW Trains' authorisation for the work to be carried out in accordance with the safe work method statement.

3.3 WHS induction training

(a) General health and safety induction training

The Labour Hire Firm must ensure that each Contract Worker who will be carrying out work that is construction work has been:

- (i) provided with general health and safety induction training that complies with the WHS Laws including Part 6.5 of the WHS Regulation,
- (ii) issued with a statement of WHS induction training by the person who provided the training, and
- (iii) issued with a WHS induction training certificate (or WorkCover Construction Induction Certificate [previously known as 'Green Card']), carries the certificate at all times while carrying out the work and produces the certificate for inspection immediately upon request by an inspector or by NSW Trains.

(b) Work activity based health and safety induction training

The Labour Hire Firm must ensure that each Contract Worker who will be carrying out work that is construction work has been provided with information, training and instruction that complies with the WHS Regulation, including Division 1 of Part 3.2, and relates to the particular type of construction work to be carried out.

(c) Site-specific health and safety induction training

NSW Trains will provide each of the Contract Workers who will be carrying out work that is construction work at NSW Trains' premises with site-specific health and safety induction training.

4 CONTRACT WORKERS

4.1 Health and fitness

The Labour Hire Firm must ensure that a Contract Worker who will be carrying out work that is railway safety work receives the appropriate level of health assessment specified in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers* (the Standard).

4.2 Training and induction

(a) WHS induction training

The Labour Hire Firm must ensure that a Contract Worker who will be carrying out work that is construction work has been:

- (i) provided with general health and safety induction training that complies with the WHS Laws including Part 6.5 of the WHS Regulation,
- (ii) issued with a statement of WHS induction training by the person who provided the training,
- (iii) issued with an WHS induction training certificate (or WorkCover NSW OHS Construction Induction Training Certificate), produces the certificate for inspection by NSW Trains before commencing work, carries the certificate at all times while carrying out work at NSW Trains' premises and produces the certificate for inspection immediately upon request by an inspector or by NSW Trains, and

- (iv) provided with work information, training and instruction that complies with the WHS Regulation, including Division 1 of Part 3.2, and relates to the particular type of work to be carried out.

(b) Rail Industry Safety Induction training

The Labour Hire Firm must ensure that a Contract Worker who will be required, or may be required, to enter the Rail Corridor has been provided with NSW Trains-issued Rail Industry Safety Induction (RISI) or Rail Safety Worker (RSW) card.

(c) Nsw Trains' induction training

NSW Trains will provide each Contract Worker with local work-place induction training.

4.3 Certification

(a) Rail safety work

The Labour Hire Firm must ensure that each Contract Worker who will be carrying out work that is rail safety work:

- (i) has the competence to carry out that work
- (ii) carries a form of identification which identifies the Contractor Worker and the type of competence and training the Contract Worker has received for that work; and
- (iii) produce that identification if requested by NSW Trains or a rail safety officer to do so.

NSW Trains may require that the competencies of the Labour Hire Firm's employees be assessed (at NSW Trains' cost) at a NSW Trains training facility. If so, NSW Trains will issue a NSW Trains *RSW Card* to those Contract Workers assessed by NSW Trains as having the requisite competency.

4.4 Operation of plant

The Labour Hire Firm must ensure that a Contract Worker who will be operating plant:

- (a) holds any licence or certificate necessary to operate the plant,
- (b) has been provided with adequate training in the use, operation, maintenance and care of the plant, and
- (c) operates and maintains the plant in accordance with the manufacturer's standards and procedures, and in accordance with any emergency procedures.

4.5 Personal protective equipment

The Labour Hire Firm must ensure that each Contract Worker carrying out work at or visiting NSW Trains' premises:

- (a) is provided with, and wears at all times, all necessary and appropriate personal protective equipment
- (b) is informed of any limitations of the equipment, and
- (c) is provided with the instruction and training necessary to ensure that the equipment controls the risk for which it is provided.

4.6 Alcohol and other drugs

The Labour Hire Firm must ensure that each Contract Worker:

- (a) is made aware of and understands his or her obligations to:
 - (i) not be under the influence of alcohol or any other drug, and does not have the prescribed concentration of alcohol present in his or her blood, when about to carry out, when carrying out or when on duty for the purpose of carrying out (whether or not carrying out) working including rail safety work,
 - (ii) not, while carrying out work, consume or use alcohol or any other drug unless the drug was prescribed by a medical practitioner and will not affect his or her ability to carry out railway safety work, and
 - (iii) undergo a breath test or breath analysis, submit to a sobriety assessment or provide a urine sample, if required to do so by NSW Trains, a testing officer or police officer.

4.7 Management of fatigue

The Labour Hire Firm must:

- (a) familiarise itself with NSW Trains' *Safety Management System Managing Fatigue* and related documentation referred to in, that System Requirement
- (b) ensure each Contract Worker is made aware of and understands:
 - (i) NSW Trains' *Safety Management System Managing Fatigue*, and
 - (ii) his or her responsibility to manage fatigue and present him or herself in a fit state for work, and
- (c) ensure each Contract Worker manages fatigue and presents him or herself in a fit state for work.

APPENDIX 1

RELEVANT LEGISLATION AND OTHER PUBLICATIONS

The publications listed below are indicative of the relevant legislation and publications that may be required by the contractor to undertake works for NSW Trains. The list is general and not exhaustive and contractors should make independent enquiries to ensure adequate provisions are taken in regards to safety.

The New South Wales
Parliamentary Counsel's Office
Level 12, Goodsell Building
8 – 12 Chifley Square
Sydney NSW 2000
Phone: 02 9228 7139
Fax: 02 9232 4796
www.legislation.nsw.gov.au

Workplace Health & Safety Act 2011
Workplace Health & Safety Regulation 2011
Rail Safety Act 2008
Rail Safety (General) Regulation 2008
Rail Safety (Drug and Alcohol Testing) Regulation 2008
Workplace Injury Management and Workers Compensation Act 1998
Health Records and Information Privacy Act 2002

NSW Trains
477 Pitt Street
NSW 2000
Phone: 02 8202 2000
www.transport.nsw.gov.au/nswtrains/commercial/contracts
www.railsafe.org.au

Code of Conduct
Safety Policy
Drug and Alcohol Policy
NSW Trains Safety Management System

Independent Transport Safety
Regulator
Level 22, 201 Elizabeth Street
Sydney NSW 2000
Phone: 02 8263 7100
Fax: 02 8263 7200
www.transportregulator.nsw.gov.au

Competence requirements RailSafety Act 2008 Guidance
Guidelines relating to Drug & Alcohol Programs
National Rail Safety Guideline - Management of Fatigue in Rail Safety Workers

Construction Agency
Co-ordination Committee
Level 23, McKell Building
2-24 Rawson Place
Sydney NSW 2000

New South Wales Government Occupational Health and Safety Management Systems Guidelines, 4th Edition, June 2004
New South Wales Government Guidelines for preparing Site-specific Safety Management Plans and Safe Work Method Statements, June 2004
New South Wales Guide Safe Working at Heights

Phone: 02 9372 8877
Fax: 02 9372 8640
www.commerce.nsw.gov.au

New South Wales Guide Contractors Working in Railway Construction

Standards Australia
1 The Crescent
Homebush NSW 2140
Phone: 1300 65 46 46
Fax: 1300 65 49 49
www.standards.com.au

AS 4292.1 – 2006 Railway safety management Part 1: General requirements
AS/NZS 1270:2002 Acoustics – Hearing protectors
AS/NZS 1336 Amdt Recommended Practices for Occupational Eye Protection
AS/NZS 1337.1:2010 Amdt 1:2012 Eye protectors for occupational applications
AS/NZS 1800:19978 Occupational protective helmets – Selection, Care and Use
AS/NZS 1801:1997 Occupational protective helmets including ammendment AS/NZS 1801:1997/Amdt 1:1999
AS/NZS 2210.12010 Safety, protective occupational footwear. Guide to selection, care and use
AS/NZS 2210.2 Occupational protective footwear. Specification for occupational footwear (ISO 20347:2004 MOD)
AS 2865:2009 Confined Spaces
AS/NZS 4308:2008 Procedures for specimen collection and the, detection and quantitation of drugs of abuse in urine
AS 4602:1999 High visibility safety garments. Garments for high risk applications
AS3845-1999 Road Safety Barrier Systems
AS1742.3 2009 Manual of Uniform Traffic Control Devices for Work on Roads
AS 1742 Set-2010 : Manual of uniform traffic control devices Set
AS/NZS 2865-2009 Confined Spaces
ISSC14 Guide to Electrical Workers Safety Equipment

National Transport Commission
of Australia
Level 15, 628 Bourke Street
Melbourne VIC 3000
Phone: 03 9236 5000
Fax: 03 9642 8922
www.ntc.gov.au

National Standard for Health Assessment of Rail Safety Workers
Volume 1: Management Systems
Volume 2: Health Assessment Procedures and Medical Criteria