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"Victorian workers returning home safe every day"

Labour hire companies, group training have OHS obligations

11 January 2010

Industries as diverse as retail and clerical through to the meat industry, trades (including apprentices), mining, health services, local government and the gamut of professions rely heavily on the flexibility that labour hire firms offer.

And while the labour hire sector firms are a big source of the Australian workforce provides around [600,000 workers](#) to industry across the country, failings by some are causing serious injuries and big fines to be imposed by the courts.

Although they may not have day-to-day management control over the people they employ, WorkSafe Victoria's acting Executive Director, Stan Krpan, said they have long-established health and safety responsibilities.

"This is particularly the case in industries where there are seasonal surges in demand for workers, but unless they understand their obligations, people and businesses, including their own are at risk.

"WorkSafe has been working with the labour hire industry for many years to improve standards and while there has been improvement, more is needed.

"Every year thousands of people working under these arrangements are injured and die. Everyone in that process, the worker, labour hire firm and host employer have obligations that cannot be outsourced."

WorkSafe's website features [Labour Hire](#) as an area of concern and provides detailed information for labour hire employers, host employers and workers.

Publications include [Labour Hire Agencies: Managing the safety of on-hired workers](#), [Host employers- Managing the safety of labour hire workers](#) and [Labour hire workers - OHS rights and responsibilities](#)

Stories about how the safety of outsourced workers can be managed can be found in the WorkSafe publication [Case studies in Labour Hire](#) which is available online.

“Although a company may not have day to day control the labour hire firm has to ensure the people they are sending out have the skills needed for the work they are to do and that the host employer’s workplace is as safe as reasonably practicable.

“It is not enough to just act as a matchmaker. Labour hire firms must actively engage in the recruitment and placement process and ensure the people they are doing business with meet their respective obligations.

“That might lead to some difficult conversations or business decisions, but if it is not done, the consequences for injured workers, the labour hire company and host employer can be serious.

“Workers compensation premiums are tied to the performance of individual businesses and the industry they are in, the impact of safety incidents are also felt more broadly.”

WorkSafe’s advisory service () can help employers and workers understand their safety obligations or go online to www.worksafe.vic.gov.au.

WorkSafe sponsors a free three-hour visit by an independent safety consultant for small businesses. For more information or go to www.worksafe.vic.gov.au/smallbusiness or call the advisory service.

A RECENT CASE STUDY – December 2009

Compass Recruitment Australia Pty Ltd placed an employee at the Laverton North pig abattoir of Diamond Valley Pork Pty Ltd.

Soon after beginning, the employee was trying to unblock a mixing machine when, on 30 January 2007, three of his fingers were severed. He was taken to hospital where he had surgery to re-attach his fingers.

WorkSafe’s investigation found the mixing machine was not effectively guarded to prevent bodily access to the rotating mixer paddles inside and that Compass failed to:

- Require risk assessments and job safety assessments of plant and related systems of work to be used by its employees and confirm the existence of safe operating procedures.
- provide its employee with job-specific information relating to his placement at Diamond Valley Pork including adequate induction and sufficient supervision to enable him to work in a way that was safe and without risks to health.
- verify and monitor the suitability of the induction, information, instruction, training and supervision provided by Diamond Valley Pork.

Compass was convicted and fined \$90,000 on 8 December and ordered to pay costs of \$7,693.39 by Werribee Magistrate John Bentley. The company is in receivership and did not appear to defend the charges.

[Diamond Valley Pork](#) was convicted and fined \$45,000 in July 2009.

The charges:

Compass Recruitment Pty Ltd was charged under Sections 21(1)&(2)(a) and 21(1)&(2)(e) - two charges each - of the Occupational Health and Safety Act 2004.

Section 21. Duties of employers to employees

(1) An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.

(2) Without limiting sub-section (1), an employer contravenes that sub-section if the employer fails to do any of the following -

(a) provide or maintain plant or systems of work that are, so far as is reasonably practicable, safe and without risks to health.

and

(e) provide such information, instruction, training or supervision to employees of the employer as is necessary to enable those persons to perform their work in a way that is safe and without risks to health.

Further Information

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