**Labour Hire Guidelines**

The same health and safety obligations that apply to your workers also extend to labour hire workers that you contract.

Selecting a labour hire company:

Before you engage a labour hire agency, ensure you check online that they are a registered labour hire agent: [Labour Hire Agency Licence Register](https://secure.cbs.sa.gov.au/OccLicPubReg/LicenceSearch.php) or [RTWSA Registered](https://www.rtwsa.com/online-services/for-employers/registered-employer-lookup/employer-lookup) [Employer-Lookup](https://www.rtwsa.com/online-services/for-employers/registered-employer-lookup/employer-lookup)

This is important because if you contract labour hire workers through a company who are not licensed, penalties could be applied under the Labour Hire Licensing Act 2017. Additionally labour hire companies need to be registered for work injury insurance (workers compensation). This provides protection for both the labour hire worker and your organisation.

When engaging labour hire workers, you should provide the labour hire agency with detailed information about the nature of work to be carried out including:

* the work environment;
* any plant or equipment to be used;
* organisational and work health and safety arrangements;
* health and safety risks associated with the work;
* any skills and knowledge required to safely undertake the work required.

Host employer responsibilities:

Host employers should consult with the labour hire agency on work health and safety matters such as:

* who will provide any necessary equipment such as personal protective equipment and the standards it must meet;
* general health and safety information about the work, workplace and work environment provided to the worker/s;
* eliminating, or if that is not reasonably practicable, minimising risks in the workplace;
* establishing open communication and consultation methods with the labour hire agency and the labour hire worker/s in relation to health and safety matters.

Labour hire workers should be treated as you would treat any other employee by:

* inducting them to the worksite;
* outline work health and safety duties, policies and procedures in the workplace including consultation methods and emergency procedures;
* providing a safe working environment and the necessary personal protective equipment;
* providing adequate training on how to operate your specific plant and equipment;
* provide any further training, instruction or information necessary prior to allocating new tasks;
* providing adequate supervision to ensure that work is being performed safely and your instructions are being followed;
* consulting with them and the labour hire agency regarding any changes which may affect work health and safety;
* encouraging participation in identifying hazards specific to their work;
* allowing the labour hire agency access to the workplace and to relevant documents for the purpose of workplace safety assessments.

Additional information:

The usage of Labour Hire workers must be reported to ReturnToWorkSA annually. Please ensure you report all Labour Hire usage to CCI (on your Form A - Estimate of Remuneration declaration and Form B - Actual Remuneration' declaration). CCI will capture this information and provide this to ReturnToWorkSA on your behalf.

Where a labour hire worker is injured on your worksite, consideration should be given to whether any suitable duties are available to support this person with their recovery and return to work.

Non-compliance can be investigated by SafeWork Australia or SafeWorkSA and may result in a financial penalty or imprisonment. *Labour Hire Licensing Act 2017 states*:

12—Person must not enter into arrangements with unlicensed providers

1. A person must not, without a reasonable excuse, enter into an arrangement with another person for the provision of labour hire services to the person unless the other person is authorised to provide labour hire services by a licence under this Act. Maximum penalty:
	1. in the case of a natural person—$140 000 or imprisonment for 3 years;
	2. in the case of a body corporate—$400 000.
2. It is a reasonable excuse for the person not to comply if, when the person entered into the arrangement, the person providing the labour hire services was shown on the register as the holder of a licence.