



Engaging Workers through Labour Hire Providers Policy

1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (**MACS**) is a company limited by guarantee established in 2021 by the Archbishop of the Catholic Archdiocese of Melbourne to assume the governance and operation of MACS schools across the Archdiocese of Melbourne. MACS subsequently established Melbourne Archdiocese Catholic Specialist Schools Ltd (**MACSS**) to provide educational services to children with diverse needs and Melbourne Archdiocese Catholic Schools Early Years Education (**MACSEYE**) to provide early years care and education services.

The [Statement of Mission](#) in the MACS Constitution, and the constitutions of its subsidiaries, MACSS and MACSEYE, sets out the Archbishop's expectations of Catholic schooling in the Archdiocese and provides an important context and grounding for the company and the direction which the MACS Board must always observe in the pursuit of the company's objects.

The Board must ensure that all policies and procedures concerning the operations of MACS, and its subsidiaries are consistent with the Statement of Mission and company objects, as well as any directions issued by the Archbishop from time to time.

2. Background and context

MACS schools and offices may determine from time to time that they require work to be performed, but do not wish to directly employ an Employee for this work.

These workers may be engaged through an external company, referred to as a labour hire provider.

3. Purpose

This policy sets out the requirements for when a MACS school or the MACS office (MACS) seeks to engage a labour hire provider.

4. Scope

This policy applies to MACS offices and MACS schools, including specialist schools operated by MACSS and school boarding premises operated by MACS schools (MACS Schools)

5. Principles

- The nature of work undertaken by MACS necessitates, on occasion, the engagement of workers through labour hire providers.
- MACS recognises its health and safety responsibilities for all workers, including those engaged via labour hire arrangements.
- Industrial and health and safety legislation in Victoria sets out the requirements for the engagement of workers through labour hire service providers.
- MACS will adhere to the provisions of the *Victorian Labour Hire Licensing Act 2018 (Vic)* and the *OHS Act 2004 (Vic)* when hosting workers through a labour hire service provider.

6. Engaging a labour hire provider

The practices implemented by MACS to select a labour hire provider will comply and be consistent with the following published MACS policies and guidelines:

- Code of Conduct for MACS Staff
- Workforce Screening and Accreditation Policy

- Child Safety Code of Conduct
- Child Safety and Wellbeing Policy
- Procurement and Contract Management Policy
- Health, Safety and Wellbeing Policy

7. Requirement of Labour Hire Provider to hold licence

A Labour Hire Provider, as defined under section 7 of the *Labour Hire Licensing Act 2018* (Vic), must hold a licence. A licence is required to be held by a person who 'provides labour hire services'. A person provides labour hire services if both of the following are met:

- while conducting business, they supply one or more individuals to another person(host) to perform work in, and as part of, the host's business or undertaking
- the individuals are workers for the provider.

8. OHS duties to employees of labour hire providers

From March 2022, under the OHS Act 2004 (Vic), employees of labour hire providers are deemed employees of the MACS school or office for health and safety purposes. This means that the same duties are owed to the employees of labour hire providers as to direct employees.

Included is a new duty for those engaging labour hire providers to consult, cooperate and coordinate with those providers to ensure the duties to relevant employees are met.

9. Licensing

Where MACS engages a Labour Hire Provider to provide workers, a check must be undertaken to ensure that the provider holds a valid Labour Hire Licence, as required by the Labour Hire Licensing Act 2018 (Vic). A record of the check(s) conducted confirming a labour hire provider holds a licence should be retained and a system established to review the currency of a labour hire provider's licence. If a provider does not hold a licence because they are not obligated under the Labour Hire Licensing Act 2018 (Vic), the MACS school/office should take all reasonable steps verify whether the company is required to have a licence and also seek written statement from labour hire provider that they do not consider themselves obligated to hold a valid licence and retain this written statement.

To check whether a labour hire provider holds a licence, a search of the register on the Labour Hire Authority website www.labourhireauthority.vic.gov.au needs to be undertaken prior to engagement.

10. Definitions

For definitions of standard terms used in this policy please refer to the [Glossary of Terms](#).

Employee

An employee is any [person](#) employed under a contract of employment or contract of training. Employees of labour hire organisations working in a host organisation are, for the purposes of OHS legislation, to be treated as employees by the host organisation.

Host

In this policy, 'host' refers to the MACS office or school location where the individual is to be employed.

Individual

An individual is a 'worker' for a provider where the arrangement between the host and the provider involves the provider supplying the individual to the host to perform work and, in this arrangement, the provider is obliged to pay the individual for the performance of that work, whether directly or indirectly through one or more intermediaries. A common example of a labour hire arrangement is where a school wishes to engage an emergency teacher through an external company.

Labour Hire Provider

A labour hire provider, as defined under section 7 of the *Labour Hire Licencing Act 2018* (Vic) is a service that provides workers to a Host to undertake work, in and as part of a host's business and is required to hold a labour hire licence under the *Labour Hire Licencing Act 2018* (Vic). There may exist Labour Hire Providers who are not obligated under section 7 of the *Labour Hire Licencing Act 2018* (Vic), however, the same obligations are owed to employees of any labour hire provider as to direct employees of MACS school, MACS office or MACSS under the *Occupational Health and Safety Act 2004* (Vic).

11. Related policies and documents

Related MACS policies and documents

Code of Conduct for MACS Staff
Child Safety and Wellbeing Policy and Procedures
Child Safety Code of Conduct
Employment of Overseas Workers and Visa Holders Policy
Procurement and Contract Management Policy
Workforce Screening and Accreditation Policy

Resources

www.labourhireauthority.vic.gov.au

12. Legislation and standards

Labour Hire Licensing Act 2018 (Vic)
OHS Act 2004 (Vic)

Policy information

Responsible executive	Director, People and Culture
Policy owner	General Manager, Employee Relations
Approving authority	MACS Executive Director
Assigned board committee	People and Culture
Approval date	29 October 2025
Risk Rating	Moderate
Review by	October 2029
Publication	CEVN, Gabriel

POLICY DATABASE INFORMATION

Assigned framework	Employment
Supporting documents	See list of supporting documents and related policies above
Superseded documents	Engaging workers through Labour Hire Providers Policy – v3.0 – 2023 Engaging workers through Labour Hire Providers Policy – v2.0 – 2022 Engaging workers through Labour Hire Providers Policy – v1.0 – 2021