

Network Outcomes Contract Governance & Management Group Clarification

Reference Number:	NOCC No. 15
Subject Title:	Health and Safety requirements
Issue Date:	26 September 2017
Clarification Purpose	The purpose of this clarification is to clarify some changes made to the Health and Safety requirements.

SUBJECT

Section 4.1 of the Maintenance Specifications describes the requirements that suppliers working on the state highway network must meet as part of their Health and Safety Management Plan.

On the 16 June 2016 the Transport Agency issued Technical Advice Note, #16-11 State highway contractor health and safety.

The advice note highlighted agreement from the NZ Transport Agency and the Construction Industry regarding changes to Health and Safety requirements, which included;

- Adopting ConstructSafe competency testing scheme as a new principal's requirement for new and existing projects,
- Extending the use of the Health and Safety in Design minimum standard for road projects, and
- Developing a new online reporting tool.

Some clarifications are required regarding these changes and implementation into existing NOC's if not already specified.

SUMMARY OF CHANGES

The primary changes are;

- From 1 July 2017 all people working on the state highway must have achieved Constructsafe competency or be supervised at all times
- From 1 July 2016 all state highway projects/works are to go through the Safety in Design review
- The use of the online reporting tool to report health and safety statistics on all state highway project

1) ConstructSafe

a. Background

ConstructSafe is a competency assessment scheme that provides the construction industry with a framework for individuals to prove health and safety competence.

From 1 July 2017, The NZ transport Agency requires that all workers involved in a NOC/State highway site possess the ConstructSafe Tier 1 certification. People who have not attained this certification are not authorised to enter the site or must be supervised at all times.

b. Issue

With regards to NOC's contract awarded before the requirement were introduced, questions have been raised as to how the NZ Transport Agency will contribute towards the additional cost incurred by the training and testing for Contractor's personnel and subcontractors.

There have also been questions raised about where the costs are to be coded.

c. Response

The NZ Transport Agency will pay for costs of the Competency Assessment for contractor's personnel and subcontractors that actually work on the NOC network (based on average reported numbers of personnel entered into the Zero Harm Reporting Portal 1 December 2016 – 31 May 2017 inclusive), for those Contracts where the Constructsafe requirement was not specified in the Contract documents or tendering notices.

The Agency will not pay for

- Individuals' training time, pre or post the test
- Lost time to undertake the test, or
- Travel time and cost for vehicles.

It is the NZ Transport Agency view that it is the supplier's responsibility to ensure appropriate training is given to all personnel. Through the test, the Supplier and Agency are ensuring that supplier's personnel and subcontractors have been suitably skilled.

The Agency has signalled its intention to require suppliers to be Tier 1 Constructsafe certified in June 2016 and gave all Suppliers a one year grace period before the certification was mandatory. As the test should only take one hour in duration and the Suppliers have a duty of care to ensure all personnel working on the Contract have appropriate health and safety training the test should have simply been part of any training course run and as such suppliers should not be seeking compensation for lost time or travel. This has been agreed by industry.

Funds for variation to contract should use the following code, WBSE 60044658 Health and Safety Policy Change for Construct Safe costs.

This is a one off cost, such that any new employees (including subcontractors) or temporary staff, outside the current team becomes the suppliers responsibility to ensure appropriate competency is achieved prior to working on site.

2) Health and Safety in Design

Health and Safety in Design is a standard that integrates hazard identification and risk assessment methods early in the design process.

The Transport Agency now requires that all state highway projects/works are to go through the Health and Safety in Design process. The design team must integrate safety in design standards into projects and encourage collaboration to improve planning, management and the early identification of hazards. Health and Safety in Design reviews should be held during the concept and detailed design phases in the project life cycle, however it may be appropriate in the construction phase if a review has not been held.

From 1 July 2016 the NZ Transport Agency mandates the use of the Health and Safety in Design minimum standard for road projects on all contracts that are still in a design phase, see link below.

<http://www.nzta.govt.nz/assets/Highways-Information-Portal/Technical-disciplines/Zero-harm/Safety-in-design/ZHMS-01-Minimum-Standard-Safety-in-Design-for-Road-Projects.pdf>

As the adoption of safety in design is considered industry best practice the Agency will not consider any variation requests to apply the minimum standard within the Suppliers or their Subcontractors works.

3) Health and Safety Reporting

The NZ Transport Agency has developed a new online reporting tool which has replaced 'SafeStat', across all state highway related work activities. The Transport Agency now requires that all suppliers use the online reporting tool to report health and safety data on all state highway projects.

The Contractor must provide Monthly H&S data via the Transport Agency's Zero Harm Reporting tool by the 9th of the following month. The site which can be found at;

<http://nztareportingv2.azurewebsites.net/>

To obtain a login and password, email zeroharm@nzta.govt.nz

The NZ Transport Agency has a Minimum Standard for Reporting Health & Safety Incidents.

This minimum standard outlines the requirement for reporting any health, safety or environmental incidents that may occur on a State Highway project. The document can be found via the link below:

<https://www.nzta.govt.nz/assets/resources/Zero-harm-minimum-standards/Reporting/NZTA-Minimum-Standard-Reporting-Version-2.2-FINAL.pdf>

Health and safety incidents, near miss events, good practice and suggestions can also be reported using the NZ Transport Agency Zero Harm app which is available free from iTunes or Google Play

As reporting requirements were always specified in Section 4.1 Health and Safety Management Plan the Agency will not consider any variation requests to report incidents in the online tool.