



Waka Kotahi NZ Transport Agency Contractor Expectations: Health and Safety Incident Notification, Investigation & Reporting

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May 2020

VERSION 2



INTRODUCTION

This document sets out Waka Kotahi contractual expectations, including legislative obligations, for all contractors to provide their health and safety incident reporting.

These expectations apply to all contractors working on physical works projects including; network outcomes contracts, capital projects and maintenance and emergency works projects. Professional service contractors must also adhere to these expectations when they are involved in work on the State Highway Network or a Waka Kotahi project/construction site.

HEALTH AND SAFETY INCIDENT NOTIFICATION TO WAKA KOTAHI

When a health and safety incident occurs on a Waka Kotahi project, the contractor must immediately evaluate the incident and categorise its severity as either Class 1 or 2.

Class 1 Incidents are those that result in a fatality, notifiable injury, illness or incident, or potential serious near hit/miss.

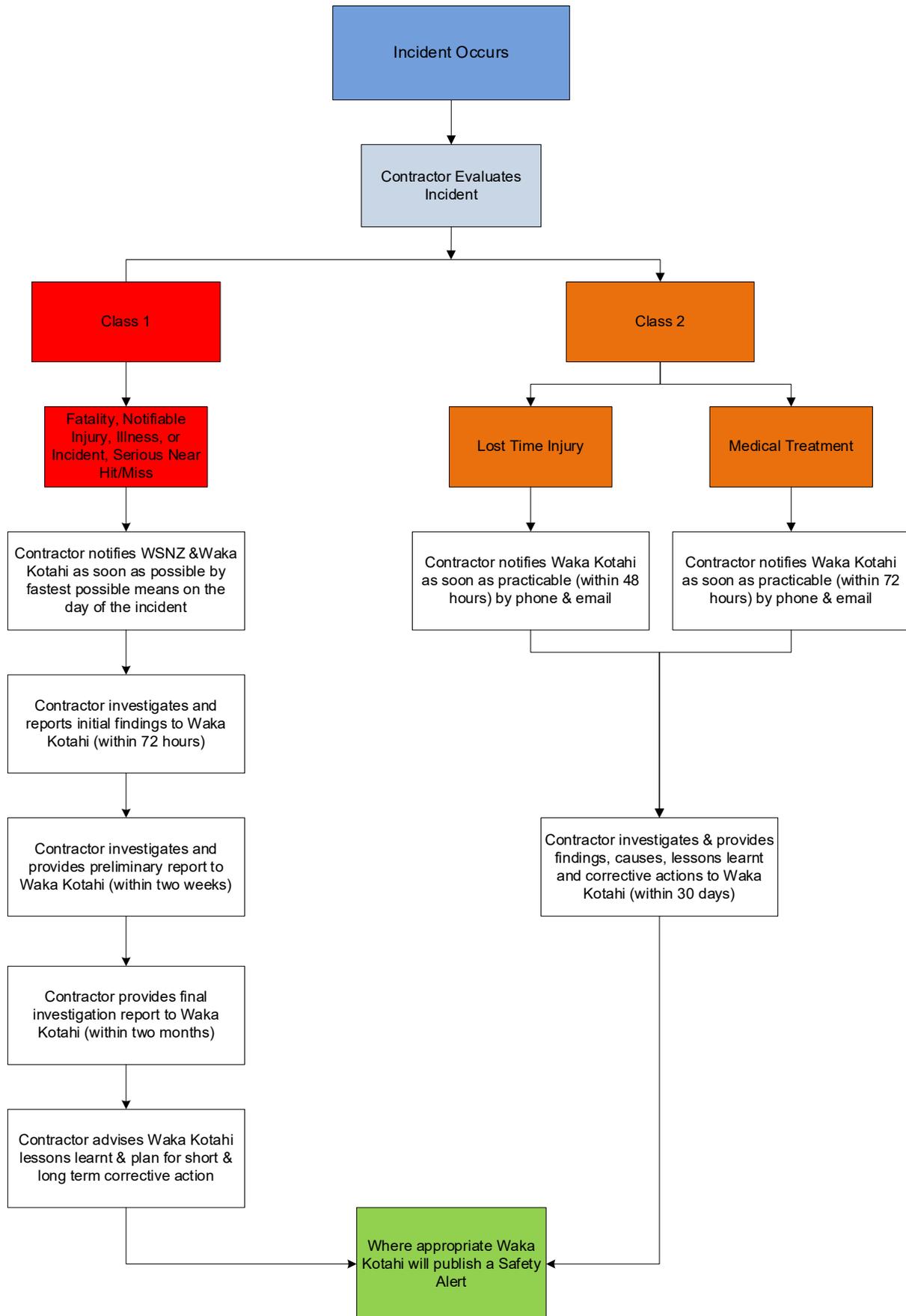
Class 2 Incidents include lost time injuries, or an incident requiring medical treatment.

When the incident has been classified, the contractor must notify Waka Kotahi as specified in the notification summary below. The Contractor may use their incident forms for written notification. Upon notification the Waka Kotahi Project Manager or Maintenance Contract Manager will inform their Portfolio Manager, General Manager Transport Services and the Senior Manager Critical Risk.

The incident must also be included in the contractor's monthly project performance reporting data.

Incident Severity Class	Incident Classification	Notification timeframe	Method
Class 1	Fatality	As soon as possible on the day of the incident	By fastest possible means under the circumstances to Waka Kotahi PM/MCM
	Notifiable Injury, Illness or Incident		
	Serious Near Hit/Miss		
Class 2	Lost Time Injury	As soon as practicable but within 48 hours	Phone & email to Waka Kotahi PM/MCM
	Medical Treatment	Within 72 hours	Phone & email to Waka Kotahi PM/MCM

HEALTH AND SAFETY INCIDENT NOTIFICATION FRAMEWORK



INCIDENT INVESTIGATION REPORT

All Class 1 and 2 health and safety incidents must be formally investigated and reported by the contractor. It is imperative that comprehensive data on incidents is captured and recorded in the investigation report.

The Contractor should develop a formal corrective and preventative action process which may include:

- Investigating the causes of non-conformances by analysing processes, and procedures
- Apply controls to ensure that corrective actions are taken and that they are effective
- Implement and record changes in procedures to document corrective action
- Ensure employees are trained on the corrective process
- Review and report on open CA's periodically to maintain visibility

The Waka Kotahi PM/MCM will confirm acceptance of the Contractor's CAs once they are satisfied that they are robust to ensure non-recurrence of the incident.

The contractor must provide sufficient resources to enable an appropriate level of investigation so that all essential factors are recorded.

Lessons learnt/safety alerts must be identified and communicated promptly. The level of detail of these investigations, and who forms the investigation team, should be appropriate to the incident severity class. All findings must have substantive documentation.

At a minimum, the investigation report must include:

- Notification to WorkSafe where relevant (copy)
- Date, time and location of incident
- Environmental factors/conditions at time of incident
- Summary of events including any plant, equipment or 3rd part involvement
- Persons involved, including whether contractor's employee/s, subcontractors, suppliers etc.
- Immediate action taken (to help injured person/s and make the scene safe)
- Immediate and potential contributing factors of the incident
- Whether EAP or similar has been provided to injured workers, family
- Outcome of event: severity of harm caused (illness/injury) and any damage to plant/equipment, and any 3rd party damage
- Potential consequences: how bad could it have been?
- Expected return to work timelines for injured person/s
- Root causes of incident
- Corrective actions: including clearly-defined timelines and assigned people responsible for making sure corrective actions are implemented
- Recommendations for improvement in their hazard identification and risk control processes and any new procedures that the Contractor will implement
- Copies of all relevant documents (e.g. photos, training evidence, hours previously worked by people involved, processes and procedures etc)
- Members of the investigation team

LESSONS LEARNT/SAFETY ALERTS

It is vital that lessons learnt/safety alerts from incidents are communicated effectively by contractors within their own organisation and to Waka Kotahi.

Contractors must report to Waka Kotahi to confirm that they have implemented corrective actions arising from their investigations. This must include assessments of the effectiveness of the actions and whether further risk mitigation is possible.

Details of lessons learnt/safety alerts must be provided to Waka Kotahi as soon as final causation and advice for potential avoidance has been fully determined.

Waka Kotahi will publish safety alerts on a regular basis in order to maximise awareness of lessons learnt across the supply chain.

Safety alerts will be generic in nature identifying what went wrong, corrective actions and any additional learning.

APPENDIX A

Definition of terms

For the purposes of this document, unless inconsistent with context, the following definitions apply:

Incidents and Notifiable Events

Meaning of Incident (for reporting to Waka Kotahi)

Any Notifiable Event (Notifiable Incident, Injury or Illness), Lost Time Injury or Serious Near Hit/Miss

Meaning of Serious Near Hit/Miss (for reporting to Waka Kotahi)

Any incident or condition that *could* have caused an LTI/MTI, Injury, Illness or death *but did not*.

Notifiable Event (as defined in the health and Safety at Work Act 2015)

A **notifiable event** means any of the following that arises from work (as defined legislation):

- (a) the death of a person; or
- (b) a notifiable injury or illness; or
- (c) a notifiable incident.

All notifiable events **must** be notified to **WorkSafe NZ** by the fastest possible means.

Notifiable Injury or Illness (as defined in the health and Safety at Work Act 2015)

- (1) A **notifiable injury or illness**, in relation to a person, means –
- (a) any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):
 - (i) the amputation of any part of his or her body;
 - (ii) a serious head injury;
 - (iii) a serious eye injury;
 - (iv) a serious burn;
 - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping);
 - (vi) a spinal injury;
 - (vii) the loss of a bodily function;
 - (viii) serious lacerations;
 - (b) an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment;
 - (c) an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance;
 - (d) any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work –
 - (i) with micro-organisms; or
 - (ii) that involves providing treatment or care to a person; or
 - (iii) that involves contact with human blood or bodily substances; or
 - (iv) that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or
 - (v) that involves handling or contact with fish or marine mammals;

- (e) any other injury or illness declared by regulations to be a notifiable injury or illness for the purposes of this section.
- (2) Despite subsection (1), **notifiable injury or illness** does not include any injury or illness declared by regulations not to be a notifiable injury or illness for the purposes of this Act.
- (3) In this section, -
animal has the same meaning as in section 2(1) of the Animal Welfare Act 1999
fish has the same meaning as in section 2(1) of the Fisheries Act 1996
marine mammal has the same meaning as in section 2(1) of the Marine Mammals Protection Act 1978.

Notifiable Incident (as defined in the health and Safety at Work Act 2015)

- (1) A **notifiable incident** means an unplanned or uncontrolled incident in relation to a workplace that exposes a worker or any other person to a serious risk to that person's health or safety arising from an immediate or imminent exposure to -
- (a) an escape, a spillage, or a leakage of a substance; or
 - (b) an implosion, explosion, or fire; or
 - (c) an escape of gas or steam; or
 - (d) an escape of a pressurised substance; or
 - (e) an electric shock; or
 - (f) the fall or release from a height of any plant, substance, or thing; or
 - (g) the collapse, overturning, failure, or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with regulations; or
 - (h) the collapse or partial collapse of a structure; or
 - (i) the collapse or failure of an excavation or any shoring supporting an excavation; or
 - (j) the inrush of water, mud, or gas in workings in an underground excavation or tunnel; or
 - (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
 - (l) a collision between 2 vessels, a vessel capsize, or the inrush of water into a vessel; or
 - (m) any other incident declared by regulations to be a notifiable incident for the purposes of this section.
- (2) Despite subsection (1), **notifiable incident** does not include an incident declared by regulations not be a notifiable incident for the purposes of this Act.

Definition of a Site

For standalone/individual contracts, the site is as defined in the contract documents i.e. within the site boundary (or within an offsite assembly area) as described in the works information. Note that, in addition, if work activities associated with the project take place remote from the immediate area of the site, but still on the Waka Kotahi network i.e. placing traffic management signs in advance of the works area and accidents occur to the workforce whilst engaged in erecting, dismantling or maintain these signs, the accidents should be reported.

- For Design and Build contracts the definition as per stand-alone projects applies.
- For work procured under the Network Outcome Contract the "site" is the area covered by the agreement. Note this would include site depots.
- For Design, Build Finance and Operate contracts or PPP contracts, the "site" is the area defined in the PPP agreement.