

# Waka Kotahi NZ Transport Agency Contractor Health and Safety Expectations

## Guidance for Supply Chain Partners

Owner: Critical Risk Team

JUNE 2021

VERSION 2



## RECORD OF AMENDMENTS

AMENDMENT NO	SUBJECT	EFFECTIVE DATE	UPDATED BY
Version 2	Amended to include risk based approach to PPE Section 6.5 Amended to include CHASNZ Site Entry Requirements Section 5.5 Amendment to Waka Kotahi	5 June 2020	Michele Berry
Version 2	Removal of ISN and change to Tötika	15 Jun 2021	Michele Berry

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## 1. INTRODUCTION

Waka Kotahi NZ Transport Agency wishes to work with partners who support and demonstrate good health and safety practices in their workplaces.

Such workplaces are recognised as creating happier, healthier workers and ultimately improve workplace productivity.

Under the health and safety at work Act 2015 (HSWA 2015), all business and organisations in New Zealand (Persons Conducting a Business or Undertaking (PCBU)) have a Primary Duty of Care to ensure the health and safety of the workers that they influence or direct when they carry out work for them. This includes contractors that are engaged and others who are exposed to risks in the workplace.

In addition, PCBU's working together on the same work or contract, must consult, cooperate and coordinate their activities to ensure the management of health and safety risks.

To do this we expect our contracted partners to have active health and safety management in place, that addresses their individual and overlapping PCBU duties.

By taking a more commitment-based approach, we will work more effectively with our partners to continually improve on good practice and create a culture that puts our worker health and safety at the forefront of everything we do.

This document details our Health and Safety expectations of our partners who undertake work or provide goods / services for us. These expectations are designed to create a framework for partners to apply their own risk management processes, systems and capabilities.

As part of the engagement process we will require potential partners to demonstrate how they will continue to meet our health and safety expectations and continue to manage risks throughout the contract life-cycle. This may include:

This document should be used in conjunction with any other specific conditions or requirements detailed in the relevant request for tender or price documentation.

## 2. LEGISLATIVE AND REGULATORY COMPLIANCE

It is expected that partners will have processes and methods to monitor changes to health and safety legislation (HSWA 2015) and any associated Health and Safety Regulations. This includes making any required changes to their health / safety systems of work and other risk management tools to ensure you remain current with industry good practice, our health and safety expectations and any compliance requirements.

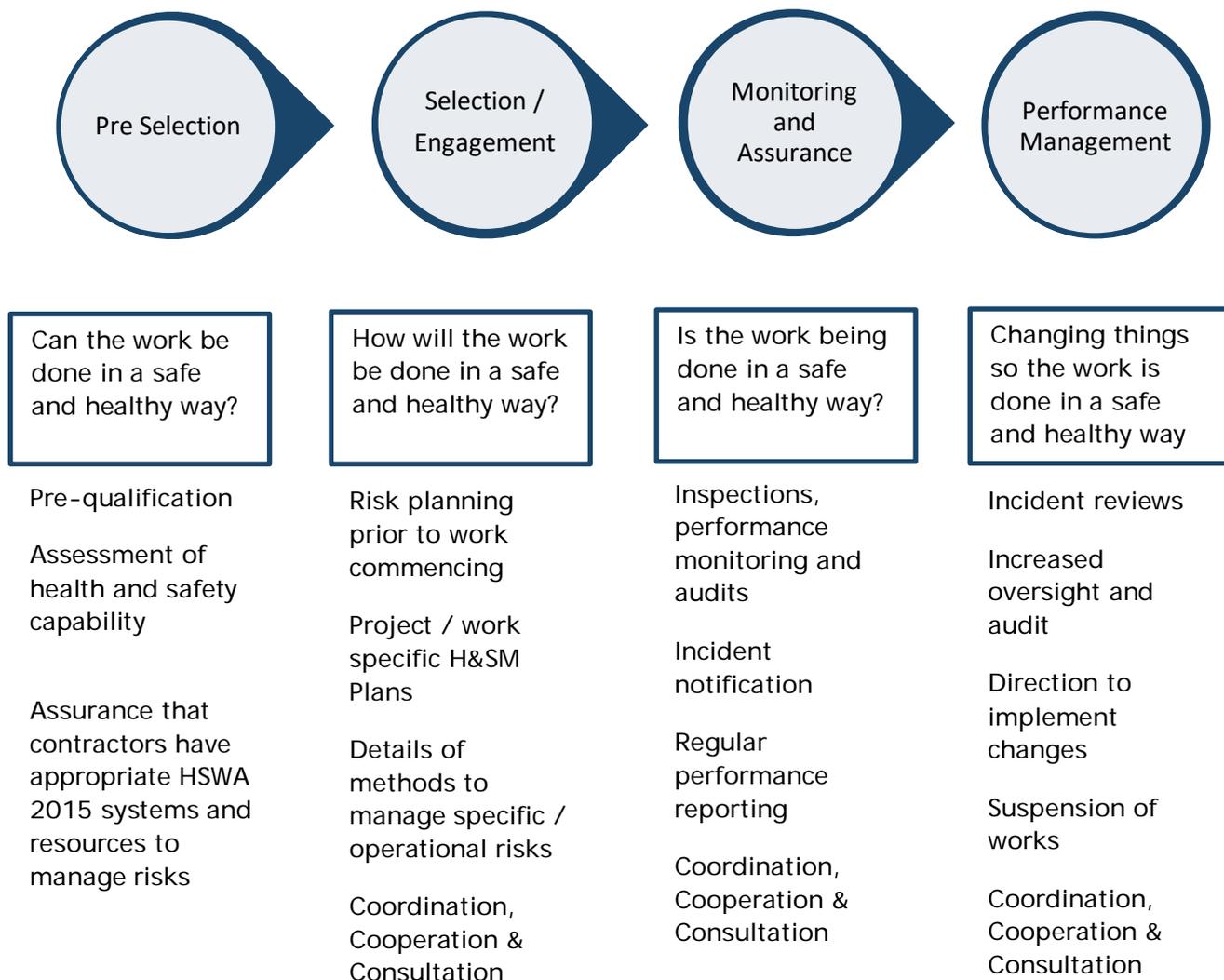
### 3. CONTRACTOR HEALTH AND SAFETY MANAGEMENT AT WAKA KOTAHI

We have worked with a wide selection of our partners, peer organisations and the Government Health and Safety Lead to develop a framework for effective contractor management that:

- meets the requirements of HSWA 2015 and follows industry good practice
- provides clarity on roles and responsibilities for information sharing, management of risks, performance monitoring and reporting and management of non-compliance; and
- provides a clear framework for the management of sub-contractors engaged by Waka Kotahi primary contractors.

Our framework is based around recognised [industry good practice](#) for contractor health and safety management and is shown below.

Figure 1 Stages of Contractor Health and Safety Management at Waka Kotahi



## 4. PRE-SELECTION STAGE: KEY HEALTH AND SAFETY PRINCIPLES

As an upstream PCBU, we have a Primary Duty of Care to all our workers (employees and contractors) whose activities we influence or control. This includes contracted partners who we engage to carry out construction or maintenance activities or who provide other goods and services to us.

Good practice guidelines for PCBU's working together, identifies that a lead PCBU (e.g. Waka Kotahi) should undertake activities that provide assurance of a contracted partner's health and safety capability, prior to engagement.

We define this activity as "prequalification". Prequalification alone is not a guarantee of health and safety competence but ensures a potential partner has the ability, resources and necessary systems and procedures required to manage their work in a healthy and safe way.

The purpose of our prequalification process is to ensure potential partners have an active health and safety management system that demonstrates how they will manage workplace risks relevant to the work they are likely to do if engaged. Therefore, we require any partner to complete prequalification prior to being asked to submit a tender / price request response or proposal for a Waka Kotahi contract.

### 4.1 Tōtika

Contractor Health and Safety prequalification will be completed through Tōtika, an initiative through CHASNZ to standardise Health and Safety prequalification in New Zealand. This level of prequalification is completed by all potential partners of physical works, including (but not limited to) construction and maintenance activities. Physical works prequalification will take place through a free-to-use in-house Waka Kotahi system.

In order to complete health and safety prequalification, potential partners must register as a Contractor or Supplier with Tōtika. Once this process is complete, evidence of the level achieved must be provided via email to [prequalification@nzta.govt.nz](mailto:prequalification@nzta.govt.nz), where it will be uploaded to our free-to-use in-house physical works prequalification system.

## 5. WAKA KOTAHI GENERAL HEALTH AND SAFETY EXPECTATIONS OF CONTRACTORS

### 5.1 Health and Safety Policy Statement

All partners must have an organisation wide health and safety policy in place that outlines a partner's commitment to health and safety management in accordance with the requirements of HSWA 2015.

The policy statement should:

- outline the organisation's commitment to health and safety
- provide an outline of what the organisation will do in respect of ensuring health and safety and what it expects from its workers
- be signed by senior management
- have been distributed to, and understood by, all workers; and
- include any other relevant information and details of the organisation's health and safety vision or targets.

### 5.2 Health and Safety Management System Information

We require specific health and safety information, procedures and risk management system details to be provided for the subject areas below. These are common to all organisations and represent standard obligations that all organisations will need to meet as part of HSWA obligations.

Health and safety procedures are a documented method of how a partner will manage specific health and safety risks as per the requirements of HSWA and any applicable health and safety Regulations.

Health and safety procedures should be business and industry specific and focus on the work a partner will be engaged to do.

Procedures should outline the method(s) in which health and safety risks will be identified and managed and the tools to be used to e.g. documents, checklists, applications, reporting systems etc.

### 5.3 Hazard Identification / Risk Management

Hazard Identification and Risk management are specific requirements under the Health and Safety at Work (General Risk and Workplace Management) Regulations [HSWA \(GRWM\) Regulations 2016, s5-8](#).

We expect our partners to manage risks 'so far as reasonably practicable' (see definitions) in accordance with regulatory requirements and/or industry good practice standards such as:

- HSWA regulations;
- Safe Work Instruments;
- Approved Codes of Practice (COP);
- Best Practice Guidelines (BPG);
- Good Practice Guidelines (GPG);
- Practical Guides;
- Regulatory Quick Guides;
- Fact Sheets; and
- Industry publications.

Health and safety procedures / systems of work must explain how a partner's hazards and risks will be identified and managed for any work they undertake.

Procedures should refer to any tools that a potential partner will use to identify and manage risks to health and safety such as:

- Policies & procedures;
- Detailed risk registers covering all risks;
- Health and safety management plans (HSMP);
- Site Specific Safety Plans (SSSP);
- Task analysis documents (TA's);
- Safe work method statements (SWMS;) and
- Job safety analysis documents (JSA's).

We have identified a resource list of regulatory requirements and industry good practice documents for partners and these are referenced throughout this document.

The level of detail in any risk management process should be broadly proportionate to the risk to health and safety of workers and consequences of not providing adequate risk controls. You can access information on [Risk Management](#) here.

Risk management procedures and processes should:

- Identify all relevant hazards and risks relating to the work being undertaken

- Demonstrate an understanding of what the relevant industry says 'healthy and safe looks Like' for any given risk that you are controlling
- Include the principles of safety by design
- Present risk controls in the '[hierarchy of control](#)' (Eliminate then Minimise (Isolation, Substitution, Engineering, Administration and PPE) and be able to justify the use of lower level controls for any given risk
- Focus on risks relating to actual work being done in the workplace
- Ensure all workers and groups involved in the work, have input into the risk management process
- Monitor and review risk controls to ensure they are current and effective
- Regularly meet with workers (employees and contractors) involved in the same work, to review risks, existing risk controls and document risk management discussions and
- Meet [Waka Kotahi Minimum Standard Z/44 - Risk Management](#).

## 5.4 Worker Communication, Engagement and Participation

Worker engagement and participation are specific requirements under [HSWA 2015, s58-61](#).

The duty to consult, cooperate and coordinate activities with other PCBU's involved in the same piece of work is also required under [HSWA 2015, s34](#)

Health and Safety procedures / systems of work must explain how organisations engage and communicate with their workers and how they involve them in health and safety discussions and decision making.

Methods may include regular formal and informal safety meetings, attendance at forums or the use of elected Health and Safety Representatives.

Multiple partners working in the same workplace are expected to have communication procedures that ensure they consult and cooperate with each other on the management of health and safety risk and coordinate their work activities to ensure the health and safety of all workers and others.

Partners are required to attend health and safety engagement and consultation meetings that may be organised by us or downstream partners to ensure on-going cooperation around health and safety can be achieved and demonstrated. The following links provide information on the key areas of [Worker Engagement Participation & Representation](#) and [Overlapping Duties](#).

## 5.5 Health and Safety Training and Competency

All workers (including contractors) must be trained and competent to perform their work as required in [HSWA \(GWRM\) Regulations 2016, s9](#).

Where applicable workers should hold the required current licence or trade qualification for the work they are doing. If they are not trained and competent, they must be directly supervised by someone who is trained and competent.

Health and safety procedures should identify the minimum competency standards for workers to work unsupervised. It should also identify any ongoing training requirements relevant to the work being done. Procedures should also cover supervision of new or inexperienced workers deemed to be not yet competent.

Contractors will be required to demonstrate that they have effective systems and processes in place to ensure the ongoing health and safety training and competency of their workers. This may include:

- in house systems to assess competency and provide industry training;
- use of industry recognised training programmes and providers; and
- use of industry recognised competency assessment processes.

The Construction Health and Safety NZ (CHASNZ) [Site Access Requirements](#) guide should be followed when working on Waka Kotahi sites.

## 5.6 Health and Safety Performance Monitoring and Measurement

Health and safety procedures must explain how potential partners monitor and review their health and safety systems, their H&SMP, job related critical risks, incidents and accidents and worker performance in health and safety.

Performance Monitoring and review of health and safety may include, but is not limited to the following:

- Setting and completing annual health and safety objectives
- Performance monitoring of managers and workers against Key Performance Indicators (KPI's)
- Risk focused workplace inspections and audits; (e.g. vehicle operations, hazardous substances, remote or lone workers, hazardous substances, plant and equipment, working at heights etc)
- Event reporting and investigations
- Conduct of regular stakeholder health and safety meetings (contractor pre-start and ongoing contract or job-based risk management meetings, in house health and safety management and coordination meetings, H & S Rep meetings etc)
- Monitoring of internal organisational risks e.g. stress, fatigue, bullying, violence etc.

[The Good Practice Guideline for PCBU's Working Together – Advice When Contracting](#), provides guidance of what good contract monitoring looks like.

## 5.7 Emergency Preparedness and Management

Having and maintaining an Emergency Plan is a specific regulatory requirement [under HSWA \(GRWM\) Regulations 2016, s14](#).

Health and safety procedures / systems of work must explain how a potential partner will manage any emergencies in the workplace relevant to the specific risks they create as part of their work such as emergencies when working at height, working in confined spaces, or working alone etc.

An Emergency Plan is a short document that is usually held in the workplace that explains what will happen in the event of a specific emergency and who will respond. An Emergency Plan should be available on request.

If a partner is working in third party premises e.g. another workplace, they should follow the in-house emergency procedures for the premises but also have their own Emergency Plan for their work.

An Emergency Plan should contain, but not be limited to, the following:

- General emergency information;
- The location of the assembly area(s);
- Emergency signal;
- Evacuation procedures;
- Important emergency contacts;
- Trained first aiders;
- Method of communication with all workers in an emergency;
- Specialist emergency procedures for high risk work (working at heights etc); and
- Frequency of testing required for emergency procedures.

Procedures / systems of work should confirm that all workers and contractors are taken through workplace emergency plans as part of their workplace/site inductions and who is responsible for updating emergency procedures.

[Workplace Emergency Plan – WorkSafe Fact Sheet](#)

## 5.8 Health and Safety Incident Notification, Investigation and Reporting

Health and safety procedures / systems of work must explain how potential partners will notify, investigate, record and report all injuries, illnesses, incidents and near misses.

Procedures / systems of work should include, but are not limited to, the following;

- The requirement to notify the Regulator of notifiable events
- The requirement to maintain an event register (record of accidents, incidents)
- The need to investigate events to determine cause or contributing factors
- The need to identify trends or critical areas of risk
- How to use event information to prevent a repeat of similar incidents
- How information on events is provided to management, workers and key stakeholders and
- Who is the competent person responsible for the investigation and reporting of events.

In addition to these procedures, we have specific requirements that are outlined in our document:

[Waka Kotahi Contractor Expectations: Health and Safety Incident Reporting](#)

This information will be provided to partners as part of the tendering process.

This reporting is to contain information that will allow Waka Kotahi to ascertain trends and insights and must be as detailed as possible due to the nature of the overlapping PCBU requirements.

If Waka Kotahi requires a partner to investigate and report an incident, such reporting should be factual only, without assumptions or inferences drawn.

## 5.9 Worker Occupational Health Monitoring

Health monitoring is a specific regulatory requirement under [HSWA \(GRWM\) Regulations 2016, r31](#).

If a potential partner regularly uses hearing protection to reduce noise exposure, face masks to prevent dust inhalation, works with asbestos, or is exposed to hazardous substances or airborne contaminants (wood or silica dust), then they are required to have health monitoring procedures in place.

All monitoring must be in accordance with HSWA (GRWM) Regulations 2016, r 33-42.

Procedures / systems of work should explain the nature of the risk and the type and frequency of monitoring. Monitoring could be in the form of annual hearing testing, lung function testing or blood tests.

[WorkSafe guidance to worker health monitoring](#)

[Guidance on Noise Management](#)

## 5.10 Notifiable Work

Some hazardous work must be notified to the [Regulator \(WorkSafe\)](#) 24 hours prior to its start.

Potential partners who are likely to have notifiable work must have procedures / systems of work in place that outline the type of hazardous work that must be notified and the mechanism for notification to the Regulator.

## 5.11 Sub-Contractor Health and Safety Selection, Engagement and Management

Potential partners who engage sub-contractors must have established health and safety procedures / systems of work that detail how they assess their sub-contractor's competence in health and safety (referred to as Pre-qualification).

Prequalification procedures should include:

- The method of prequalifying sub-contractors in health and safety
- The criteria being assessed e.g. health and safety subject areas being checked during the prequalification
- The tools used to assess subcontractors e.g. third-party assessors or internal checklists
- The competent person reviewing submitted information to determine competence

In addition, contractor management procedures / systems of work should also detail:

- What information contractors will provide their sub-contractors on workplace risks relevant to the work they are being engaged to do (contract specific risks)
- What health and safety information contractors expect from their sub-contractors in support of the work they are doing e.g. Safety Management Plans, Site Specific Safety Plans (SSSP), task Analysis (TA's) Job Safety Analysis (JSA's), emergency plans etc
- What level of monitoring, risk review and reporting contractors require of their sub-contractors during their period of engagement
- How often contractors will check their sub-contractor's workplace risk management performance (conduct on site reviews or audits)
- How non-conformances and health and safety issues will be managed and resolved, and
- The post contract health and safety review process.

[The Good Practice Guideline for PCBU's Working Together – Advice When Contracting](#), provides a good understanding of how to manage the health and safety of sub-contractors.

## 6. WAKA KOTAHI SPECIFIC RISK MANAGEMENT REQUIREMENTS

### 6.1 Health and Safety by Design

[HSWA, s39](#) requires that upstream PCBU's who have influence over the design of plant, product, structure or substance, must, so far as is reasonably practicable, ensure they are designed in a way that they are “*without risk to health and safety*”.

The design stage of any contract should include the identification and management of health and safety risks for the lifecycle of the contract. This includes any “*reasonably foreseeable activity by workers such as inspection, cleaning maintenance repair, demolition or disposal*”.

Where applicable, contracted partners should ensure that any Health and Safety Management Planning include Health and Safety by Design as outlined in the [Safety in Design minimum standard](#) and Good Practice Guideline.

[Health and Safety by Design - GPG](#)

### 6.2 Drug & Alcohol Impairment Management

All potential partners must have policy, procedures and practices in place that manage the risks of worker impairment from alcohol or drug use.

These systems must reflect current industry good practice models such as those produced by ACC, WorkSafe NZ, Safe Work Australia, Ministry of Health, International Labour Organisation.

Where appropriate procedures for drug and alcohol testing in the workplace must reflect AS/NZS Standards such as AS/NZS 4308:2008 (specimen collection), AS 3547:1997 (breath testing), AS/NZS 4760:2018 (specimen testing-oral fluids) or any other recognised standards.

In relation to drug and alcohol impairment, industry good practice includes the following:

[Managing alcohol and drugs in construction](#)

### **6.3 Fatigue Management**

All potential partners must have procedures in place that manage the risks associated with worker fatigue. This should include but is not limited to factors associated with working hours, worker medical conditions, workers on prescribed medication, known personal factors e.g. stress, behaviour management and general worker wellbeing monitoring.

Procedures must reflect current industry good practice models developed by WorkSafe NZ or another recognised health and safety regulator.

Click [Work-related health: Fatigue](#) for industry guidance.

Where a Waka Kotahi contract or work activity identifies a fatigue risk during scoping and planning of the proposed work, a fatigue risk profile will be provided in the scope for tender scope of work (e.g. Request for Tender or Proposal). The potential partner will be subsequently required to develop a Fatigue Management Plan.

Our specific requirements are outlined in our document:

[Waka Kotahi Contractor Expectations: Fatigue Management](#)

### **6.4 Workplace Violence, Intimidation & Bullying**

All potential partners should have procedures in place that manage the risks of workplace bullying and where applicable workplace violence or intimidation.

Procedures should reflect current industry good practice models such as WorkSafe NZ, or another recognised Health and Safety Regulator.

[Workplace Bullying and Harassment](#)

[Preventing and Responding to Bullying at Work- GPG](#)

[Violence at work](#)

[Mental health and Wellbeing at Work](#)

## 6.5 Personal Protective Equipment (PPE)

Work done to investigate, construct and maintain the State Highway network carries inherent risks. Personal Protection Equipment (PPE) remains a necessary mitigation measure in most work types, and is designed to complement other controls.

We recognise that PPE is the lowest level of risk control and adoption of its use requires contractors to demonstrate how they have controlled risks through elimination, isolation, engineering out of the risk or by using different materials or methodologies (substitution) in line with the [Hierarchy of Control](#). The use of PPE is frequently necessary and may often form part of a layer of controls applied to a specific risk.

Waka Kotahi requires all PCBUs to **either** follow our [PPE Minimum Standard](#) or to gain approval to trial a risk based approach.

To trial the use of an alternative risk-based approach to PPE within a project, alliance or maintenance contract, agreement and approval from the following is required:

- Project or contract governance board if in place
- Waka Kotahi Project Manager
- Waka Kotahi Critical Risk Team

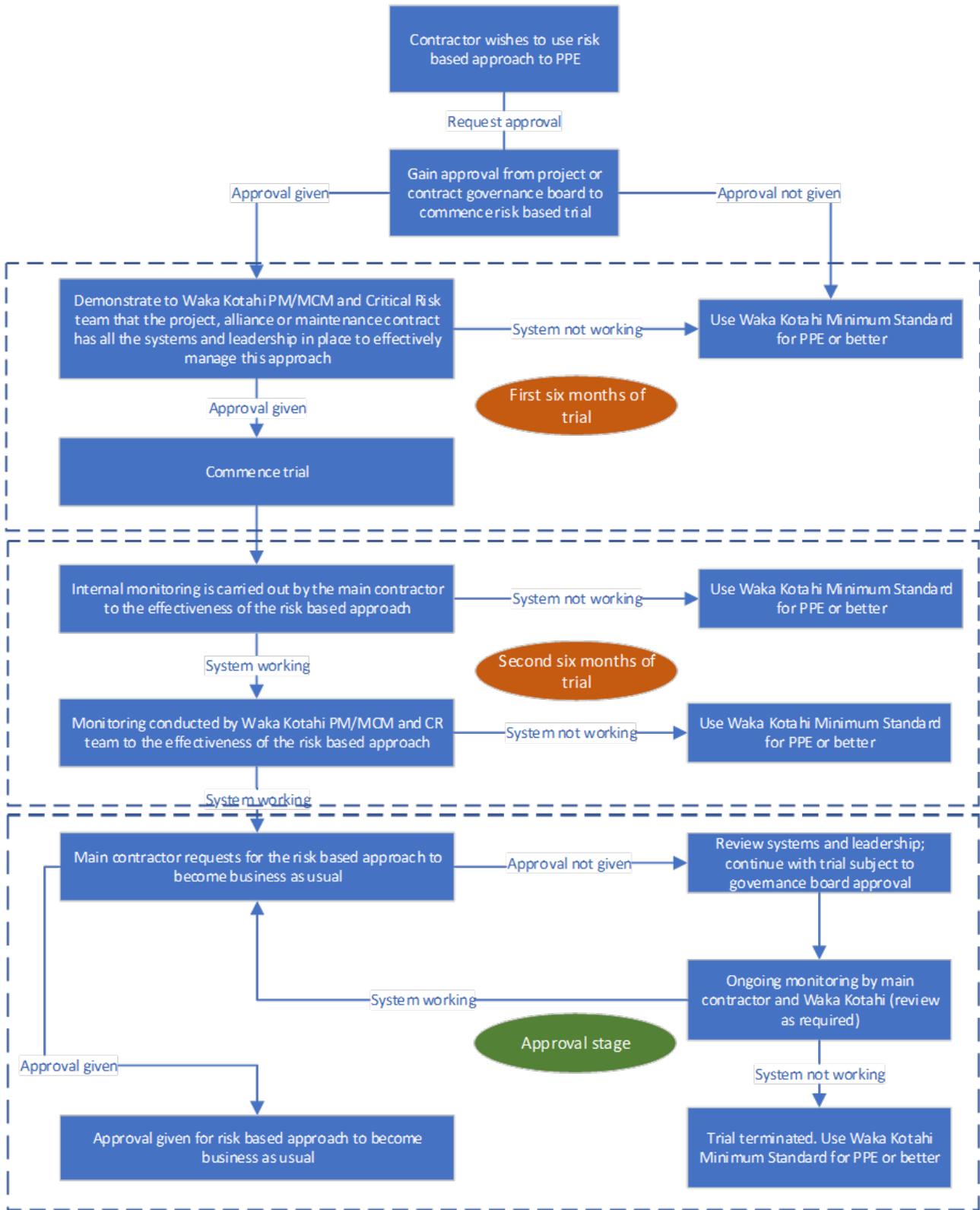
To gain this approval all PCBUs associated with the project, alliance or maintenance contract that will be involved in the trial must demonstrate they have the systems, processes and capabilities in place to:

- identify the risks associated with the work that require PPE to further control, or mitigate;
- ensure their workers are trained where necessary in selection and use, and maintenance of the correct PPE required as part of risk control systems; and
- ensure workers use PPE as directed by systems of work – including risk assessments, work instructions, SOPs, JSEAs, TRAs, Task Analysis, local site or activity area requirements
- report and replace damaged, worn and/or defective PPE.

The below process shows the steps you need to follow to commence a trial of a risk-based PPE and to gain approval for this becoming business as usual for the project or contract:

[Industry good practice guidance on PPE for Businesses & Workers](#)

[Waka Kotahi PPE Minimum Standard](#)



## 6.6 Health and Safety Management Planning (H&SMP) Requirements

As part of the tender process, partners will be required to provide a draft H&SMP or similar for the proposed work being tendered for. The draft H&SMP will be based on the type of work and the associated risks provided to potential partners by us in its tender documents.

Once engaged, a contracted partner must further develop their H&SMP for the contract and continue to update it throughout the life of the contract.

There should be only one H&SMP for the contract (that of the main contractor), however it must contain the relevant risk management documents for each sub-contractor working on site at any given time.

The H&SMP should also follow the Plan-Do-Check-Act (PDCA) principles which should include but not be limited to the following:

### Plan

The H&SMP should reflect the work being undertaken on the contract, review all the risks relating to the various stages of the contract and provide a detailed overview of how health and safety will be managed throughout the contract. The H&SMP must include but is not be limited to the following:

- Contract specific roles and responsibilities.
- Health and safety management structure (who is leading health and safety).
- Health and safety notifications and registrations.
- Health and safety management procedures (Hazard Id, risk assessment and proposed risk control measures relevant to the work being undertaken).
- Health and Safety by Design information (calculations, analyses tests etc).
- Proposed method statements to demonstrate a safe system of work.
- Provisions for emergencies, planning and response.
- Proposed training and competency requirements.
- Induction procedures.
- Drug and alcohol testing requirements.
- Accident reporting, recording investigation, analysis and lessons learnt.
- Schedule for safety audits, reviews and inspections.
- Health and wellness procedures.
- Worker participation methods.
- Sub-contractor management and collaboration procedures, (coordination, cooperation and consultation).
- Subcontractor risk-based documents (SWMS, JSA's, Hazardous Substance Inventories, Plant and Competency Registers etc.).
- Specific legal duties that must be followed under the HSWA & its Regulations.

### DO

- Implement your H&SMP and ensure risk management is in place before work starts.
- Provide adequate resources to ensure workers can implement and follow your H&SMP.
- Always have a 'Safety First' approach to work and involve all workers (including contractors) in the Health and safety process.
- Ensure managers show leadership in health and safety and promote and demonstrate good health and safety practices.
- Promote a collaborative workplace and ensure good communication between workers and contractors at all levels in the workplace.

### CHECK

Regularly monitor and measure your health and safety progress and performance against your H&SMP and industry Good Practice: This can be achieved by:

- Conducting regular on site Prestart and Progress meetings with all workers (including contractors).
- Regularly scheduling safety audits, reviews and inspections, including management reviews to monitor and measure health and safety performance.
- Conducting regular Health and Safety Committee meetings with worker representation.
- Conducting periodic reviews of risk assessment documents, particularly for high risk work, to ensure they are relevant and current.
- Regularly monitoring the health of your workers (including monitoring of psychological risks).
- Investigating accidents, incidents or near misses to identify contributing factors and opportunities for improvement.
- Monitoring health and safety behaviours in the workplace including the health and safety performance of contractors.
- Reviewing health and safety resourcing is appropriate.

## ACT

Take appropriate action to ensure – continuous improvement in health and safety including:

- Act on any review and monitoring findings that identify opportunities for improvement in the H&SMP.
- Take immediate action to control critical risks as soon as they are identified.
- Implement remedial or preventative actions following investigations into accidents, incidents or near misses.
- Provide additional health and safety resources to manage risk when required.
- Provide incentives that create positive health and safety behaviours (a culture of 'safety first').
- Commit to improving health and safety performance on a proactive continuous basis.

## 6.7 Monitoring & Review of the H&SMP

The contracted partner must monitor the workplace to ensure the H&SMP has been implemented and followed. Reviews should focus on three areas:

- Ensuring risk controls are in place and are effective in accordance with industry good practice and any regulatory requirements.
- Ensuring health and safety is being lead and promoted by all managers, workers and contractors involved in the project.
- Ensuring there is active collaboration between overlapping contractors and workers on site and suitable mechanisms for this.

Monitoring and review mechanisms should include:

- formal documented audits or reviews;
- random visual observations;
- formal and informal progress meetings;
- interviews and investigations in relation to events;
- Health & Safety management and workplace toolbox meetings;
- formal monthly assurance reporting through ISNetworld or other such platform (mandatory);
- third party audits or reviews (by a competent health and safety expert); or
- any other means appropriate for the contract.

Appropriate records should be kept of all monitoring and review processes. These should include (but not be limited to):

- documented audits and review findings;
- corrective actions or improvements taken to manage risks to health and safety; and

- any discussions or meetings with workers that confirm health and safety participation in the risk management process.

The contracted partner must ensure that those undertaking monitoring are appropriately trained and competent in terms of Health and Safety and have a good knowledge of industry good practice and “what safe looks like”, applicable to the works being completed.

We will monitor the performance of our contractors and provide feedback by:

- Collating assurance reporting data and providing feedback to contractors.
- Conducting random audits and reviews of contractor’s performance against their H&SMP.
- Conducting regular Contract Management meetings with principal contractors to discuss health and safety matters.

## 6.8 Performance and Assurance Reporting

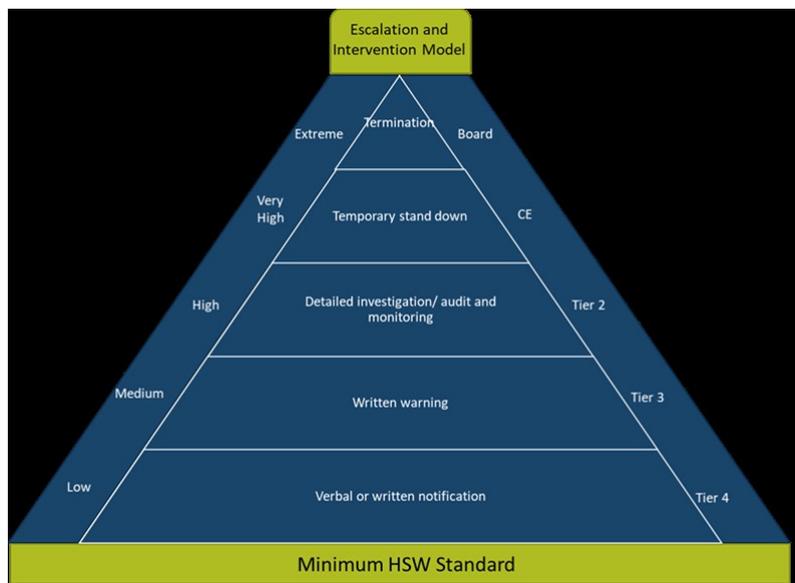
Monthly Health and Safety Performance & Assurance Reporting is required by a contracted partner for the duration of the contract.

Reporting on the contract’s health and safety data is to be completed on the Waka Kotahi reporting software (or other means specified in the contract) by the 9<sup>th</sup> of the following month, including both the lead and lag indicators of the contracted partners direct employees and subcontractors / consultants.

Assurance reporting data is used to guide our inspection, intervention and improvement programmes, and provide insights and trend analysis reports to industry consultative and communication forums. This ensures effective collaboration around resource and initiative planning to better manage the risks that matter.

## 6.9 Management of health and safety non-conformances

Where Waka Kotahi becomes aware of breaches to health and safety requirements it will apply, at its discretion, actions and escalations reflective of the severity of the breach. At the most severe level of breach or consistent breach these actions could include contract termination.



## 7. EXPECTATIONS FOR THE MANAGEMENT OF SPECIFIC RISKS

### 7.1 Raised, Falling Objects & Working at Height

The [Health and Safety \(GRWM\) Regulations 2016, s 24-25](#) require an organisation to manage risks associated with working under raised objects and objects falling from height. HSWA requires PCBU's to manage all risks to health and safety including the risk of workers falling from height.

Raised objects include objects lifted by cranes, forklifts, hoists and jacks. They also include objects stored on shelves or fixed to walls above work areas.

Falling objects could include equipment, material, tools and debris falling during work at heights.

Potential partners must have procedures / systems of work that detail how they will manage all risks associated with working at height or falling objects.

Workers must also be protected from the risk of falling from height using the hierarchy of control (eliminate, minimise).

We expect potential partners to reference and implement risk controls outlined in [WorkSafe New Zealand's Good Practice Guidance](#), when managing these risks.

Guidance includes:

[Working at Height BPG](#)

[Mobile Elevating Work Platforms BPG](#)

[Working Safely on Roofs BPG](#)

[Scaffolding in NZ GPG](#)

[Industrial Rope Access BPG](#)

[Safety Use of safety Nets GPG](#)

### 7.2 Trenching and Excavation

All work involving excavations must comply with HSWA 2015 and all relevant regulations, including the Health and Safety in Employment Regulations 1995 (the HSE Regulations).

Potential partners must follow these regulations and have procedures / systems of work that detail how they will manage the risks to worker health and safety associated with the construction and maintenance of trenches and excavations.

We expect potential partners to reference WorkSafe New Zealand's Excavation Safety - Good Practice Guidelines when managing excavation risks. We note that the Guidelines do not apply to shafts associated with mining operations, or tunnelling operations, which are regulated under the Health and Safety at Work ([Mining Operations and Quarrying Operations](#)) Regulations 2016 (the MOQO Regulations).

We also expect partners to demonstrate how their procedures / systems of work enable them to implement risk controls detailed in the good practice guide.

[Excavation Safety](#)

[Hazard Management System for Mining Operations](#)

### 7.3 Plant, Machinery & Equipment

Health and safety procedures / systems of work must explain how a potential partner will manage any risks associated with the operation of Plant, Machinery and Equipment including their expectations of sub- contractors who operate this type of equipment.

This may include but is not limited to, procedures for the use or maintenance, testing and/or calibration of equipment (slings, lifting devices, fall arrest systems) e.g. SOPs, manufacturer instructions and checklists for their operation. All plant, machinery and equipment should be regularly checked and maintained, recorded in a register and maintenance records kept.

The operation of specialised plant, machinery and equipment (e.g. cranes, concrete pumping trucks, MEWP's etc) should be in accordance with manufacturers guidelines and industry good practice guidelines below:

[WorkSafe Information on Plant & Equipment](#)

[Excavation Safety GPG – Section 6](#)

[ACOP – Cranes](#)

[ACOP- Operator Protective Structures](#)

[Mobile Elevating Work platforms](#)

[Safe Work with Precast Concrete](#)

[Concrete Pumping](#)

### 7.4 Overhead and Underground Utilities

Health and safety procedures / systems of work must explain how a potential partner will manage the risks over working in the proximity of overhead or underground utility assets and services.

These procedures and systems of work may include, but not be limited to, detection, marking, protection and monitoring activities.

[Utility identification and protection minimum standard](#)

[Excavation Safety GPG – Section 4](#)

[Guide for Safety with Underground Services](#)

### 7.5 Hazardous Substances and Dangerous Goods

Hazardous Substances are chemicals used or produced in a workplace that are known or suspected to cause harm to health or the environment.

All potential partners must ensure they have procedures / systems of work for the correct and safe use, handling, storage and transportation of hazardous substances as outlined in the [Health and Safety at Work \(Hazardous Substance\) Regulations 2017](#).

Potential partners who use hazardous substances must have a Hazardous Substance Inventory and appropriate Safety Data Sheets (SDS) for each hazardous substance available in the workplace.

Workers using Hazardous substances must be trained and competent in the use of hazardous substances or supervised by someone who is.

Clear guidance on how to identify and manage the risks associated with hazardous substances can be found on the [Hazardous Substances](#) web site.

Links to further WorkSafe and Industry Good Practice Guidance can be found [here](#).

## 7.6 Vehicle Safety

In line with the [HSWA 2015, definition of Workplace](#), we recognise that vehicles used for work are considered a workplace. All potential partners who provide vehicles to workers, or use vehicles during their work, must ensure they have procedures in place for the safe operation and maintenance of these vehicles.

Procedures / systems of work must include, but are not limited to, requirements or expectations around:

- Procurement standards for vehicles (where applicable).
- How vehicles will be operated and maintained.
- Specific driver behaviour expectations or requirements (e.g. managing fatigue and journeys).
- Driver training and licensing expectations or requirements.
- Behaviour monitoring (e.g. using vehicle management systems).
- Required vehicle safety equipment e.g. fire extinguishers and first aid kits etc.

As per any risk to health and safety, the risks associated with using vehicles for work must be included as part of the hazard Identification and risk management process.

Further information related to safe vehicle movements is available from WorkSafe NZ.

[Industry good practice guides for workplace vehicle safety](#)

## 7.7 Temporary Traffic Management

Work activities that are to be carried out in the road environment must be undertaken in a manner that includes the management of identified risks, both to those undertaking the work and road users. This includes the establishment and dis-establishment of the work-site. Once the risks are understood the Waka Kotahi Code of Practice for Temporary Traffic Management (CoPTTM) is referenced as the best practice guide for the establishment of traffic controls to manage the safety of workers and road users. In addition, the CoPTTM recognises that in certain circumstances it may be necessary to implement a variation from the accepted normal traffic control methods, not reflected in the CoPTTM. These variations may be approved by the appropriate Road Controlling Authority using the CoPTTM 'Engineering Exception Decision' process.

A site-specific Traffic Management Plan is required for all work that affects the normal operating condition of the road and must be approved prior to work commencing. A suitably qualified person, confirmed through the traffic management plan approvals process, must be identified as the 'in charge person' for the worksite, for the duration of the TTM works.

Further information is available about the CoPTTM is available on the Waka Kotahi website:

[Code of Practice for Temporary Traffic Management](#)

### Construction Traffic Safety Plans

Industry good practice guidelines such as Excavation and demolitions GPG's as well WorkSafe Fact Sheets provide good information on traffic management relating to specific risks.

[Keeping Safe Around Moving Plant](#)

[Workplace Traffic Management](#)

## 7.8 Temporary Works

Temporary works are defined in the British Standard BS5975 as: “parts of the works that allow or enable construction of, protect, support or provide access to, the permanent works and which might or might not remain in place at the completion of the works”.

Temporary works can include works relating to earthworks, Structures Equipment and Plant foundations.

[The Temporary Works Forum \(NZ\)](#) has developed a Good Practice Guideline to provide industry approved guidance on how to control temporary works risks, so far as is reasonably practicable.

Potential partners involved in temporary works must apply these guidelines along with any other related guidance to manage risks associated with this type of work.

The current version of the Temporary Works GPG can be found [here](#).

In addition, to the risks previously discussed above Temporary Works will often involve high risk work such as working at heights and the use of scaffold or temporary edge protection. The following guidance provides an industry view of ‘what safe looks like’.

[Working safely at Height](#)

[Scaffolding GPG](#)

## **7.9 Remote and / or Isolated Workers**

The control of risk and active monitoring of remote or isolated workers is a specific regulatory requirement under [HSWA \(GRWM\) Regulations 2016, s21](#).

Remote or isolated work includes:

- working alone or separated from colleagues;
- working in a geographically isolated or inaccessible area – where the nearest emergency help; (e.g. fire service or hospital) is some distance away;
- working outside normal business hours or shift/night work; and
- working in locations where communication is difficult.

All potential partners must have policy/procedures in place that manage the risks associated with remote or isolated work.

Procedures / systems of work must include effective methods of communication with workers and may include emergency panic systems.

[General Risk and Workplace Management \(Part2\) – Remote or Isolated Workers](#)

## 7.10 Asbestos Management

The identification and management of asbestos is a specific Regulatory requirement under [the Health and Safety at Work \(Asbestos\) Regulations 2016](#).

Where practicable, potential partners tendering for work will be provided information on any known Asbestos Containing Materials (ACM) likely to impact their work.

Any partners engaged to conduct any construction or maintenance work where asbestos is likely to be present (buildings or structures built before 2000), can assume asbestos is present or they must identify all Asbestos Containing Material (ACM) prior to commencement of any work.

The absence of asbestos cannot be assumed, only an asbestos survey and the taking of samples (for analysis) can confirm the absence of asbestos.

Where required to handle, remove and dispose of asbestos (prior to demolition or refurbishment) partners must use a licensed asbestos removalist (Class A or B).

Any work involving the identification, removal, handling, disposal of ACM) or Asbestos Contaminated Dust (ACD) must be conducted in accordance with the Regulations, ACOP and Good Practice Guidelines.

[ACOP – Management and removal of asbestos](#)

[WorkSafe Guidance on Roles & Responsibilities](#)

## 7.11 Noise Management

Noise is a common hazard in the workplace and potential partners must ensure work is carried out in accordance with the [Approved Code of Practice for the Management of Noise in the Workplace](#).

Regardless of whether hearing protection is being worn, partners must ensure that no worker is exposed to noise above the following levels:

- Eight hours equivalent continuous -weighted sound pressure level of 85dB; or
- Peak sound pressure level of 140dB.

All workers should be issued with AS/NZ 1270:2002 Class 5 hearing protection for any work that exceeds noise levels of 85 decibels.

Where appropriate partners are expected to implement health monitoring of workers exposed to continuous or peak noise levels

[Managing Noise in the Workplace](#)

## 7.12 Electrical and Gas Safety

[The Electricity Act 1992](#) and the [Electricity \(Safety\) Regulations 2010](#) define installations, connectable (re-locatable) installations, and appliances. Each has characteristics and is expected to comply with the relevant rules for safety verification.

A qualified and registered electrician, with a current practicing license, must carry out all prescribed electrical work as outlined in AS/NZS 3000:2007 Electrical Installations.

All electrical work carried out must have a certificate of compliance provided by the electrician upon completion.

Potential partners must ensure that any electrical installations or appliances associated with any of the work they are engaged to do, addresses the above requirements. The following guide provides industry guidance for small construction sites that can be applied across all construction and maintenance contracts.

### [Electrical safety on Construction Sites](#)

In addition, gas installations must meet design, installation and distribution requirements. The following [WorkSafe industry guidance](#) can assist with both electrical and gas installations.

## 7.13 Isolation of Supply

Potential partners whose work effects or interferes with the supply or potential supply of gas, electricity or water must isolate the supply using a Lock Out/Tag Out system or similar.

Lock Out/Tag Out systems must not be removed or reinstated by any worker other than the worker who installed them.

All other mechanically generated sources of energy, such as pneumatic or hydraulic energy sources, should also be physically isolated (eg. chocked or secured with a chain etc) when undergoing maintenance and/or servicing.

### [Isolation of energy sources](#)

## 7.14 Dust and Airborne Substances

The [Health and Safety \(GRWM\) Regulations 2016, s 28 - 31](#) require an organisation to manage substances hazardous to a worker's health. For example, wood and silica dust have been identified as causing serious health issues.

Where exposure to dust and airborne particles presents a hazard in the workplace, potential partners must control risks in accordance with [WorkSafe and industry guidance](#), which outlines the following steps to be taken:

- Dust control methods are developed and used
- Respiratory protection is provided
- Air monitoring of the workplace is undertaken regularly
- Workers are trained on the hazards associated with the work they are undertaking;
- Workers are trained on the correct use and maintenance of PPE provided
- Warning signs are put in place as required and
- Health monitoring of workers exposed to dust or airborne particles.

### [Silica dust in the workplace](#)

### [Controlling construction dust](#)

## 7.15 Confined Space Entry

All partners conducting work that involves a confined space entry must follow the standard AS/NZS 2865:2000, Confined Spaces.

[WorkSafe guidance](#) has identified this standard as the current view of what safe looks like.

Safe Work Australia has developed [a code of practice for confined space](#) entry and can also be used a reference guide.

# 8. HEALTH AND SAFETY INFORMATION AND FURTHER GOOD PRACTICE GUIDANCE

### [WorkSafe New Zealand](#)

### [Business Leaders Health and Safety Forum](#)

### [NZ HSWA 2015 Legislation](#)

## 9. WAKA KOTAHI HEALTH AND SAFETY DEFINITIONS

### PCBU

Person Conducting a Business or Undertaking (includes companies, contractors, self-employed sole traders, partnerships and not for profits who employ workers) as defined in s 17 HSWA. All Waka Kotahi partners are likely to be PCBU's.

### Officer

Is a senior person in a business who can significantly influence a business (a sole trader is a PCBU, an Officer and a worker of his own business). Officers must exercise due diligence to make sure that the PCBU complies with its health and safety duties.

### Worker

A worker is an individual who carries out work in any capacity for a PCBU (see section 9 HSWA). A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (e.g. managers are workers too).

### Workplace

A Workplace is defined as;

- a place where work is being carried out, or is customarily carried out, for a business or undertaking; and
- includes any place where a worker goes, or is likely to be, while at work

### Partners

Waka Kotahi term in this document for organisations or workers who are directly contracted or engaged (contractors) to conduct work for us.

### Primary Duty of Care

Potential partners (PCBU's) have a primary duty of care under s [36 HSWA](#) to ensure, so far as reasonably practicable, the health and safety of workers at work in the business or undertaking and workers whose activities are influenced or directed by the PCBU'

This duty includes ensuring, so far as reasonably practicable;

- the provision of a work environment without risks to health and safety
- the provisions and maintenance of safe plant and structures;
- the provision and maintenance of safe systems of work;
- the safe use, handling and storage of plant, substances and structures;
- the provision of, and access to, adequate facilities for the welfare of workers; the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety, and
- that the health of workers and the conditions at the workplace are monitored to prevent injury or illness of workers.

## Due Diligence

Potential partners (PCBU's) contain 'Officers' who are required to exercise 'due diligence' to ensure they comply with their obligations under the HSWA. This includes taking reasonable steps to:

- acquire relevant, up-to-date knowledge of workplace health and safety;
- understand the business's operations and associated health and safety hazards and risks;
- ensure the business has available for use appropriate resources and processes to eliminate or minimise risks to health and safety relevant to the work being done;
- ensure the business has processes for receiving, considering and responding to information about incidents, hazards and risks;
- ensure the business implements processes for complying with its duties under HSWA; and
- verify that resources and processes are in place and being used.

Waka Kotahi *health and safety prequalification process* (discussed above) is designed to ensure its potential partners provide evidence of active health and safety management that shows they have the systems, procedures and the appropriate skills and resources to carry out their duty of care and due diligence duty in managing health and safety risks in the workplace.

## Overlapping Duties

When the work of two or more partners (PCBU's) overlaps on a Waka Kotahi contract workplace, each partner has the same primary duty of care. This is often referred to as *overlapping duties*.

Each PCBU has a duty to, so far as is reasonably practicable, consult, co-operate with, and co-ordinate activities with all other PCBU's.

Where there are overlapping duties, Waka Kotahi expects all partners to have procedures in place that ensures they regularly consult and cooperate with each other and coordinate their activities around managing shared risks that affect the health and safety of all workers and others in the shared workplace.

## PCBUs who Manage and Control Workplaces

Partners (PCBU's) who manage or control a workplace (see definition below) must ensure, so far as is reasonably practicable, the workplace, the means of entering and exiting the workplace, and anything else arising from the workplace are without health and safety risks to any person.

This duty means that partner or partners (contractor who controls the place of work) of Waka Kotahi must ensure that risks are managed on or in the workplace.

Where there are multiple partners across a workplace, risk management becomes a shared responsibility and part of the overlapping duties (discussed previously). Waka Kotahi expects partners to take responsibility, show leadership and work together to manage risks arising from the workplace.

## Reasonably Practicable

The term '[\*reasonably practicable\*](#)' appears throughout HSWA. 'Reasonably practicable' is used to determine if a risk to health and safety has been managed appropriately.

As WorkSafe puts it: 'There is no such thing as zero risk. The partner (PCBU) is not expected to guarantee the safety of their workers and others from work activities. Instead, they are held to a reasonably practicable standard. It is a judgement call they must make.'

If a partner follows industry standards or commonly accepted guidelines for carrying out a task (e.g. common industry risk controls), then the likelihood is that it is taking reasonably practicable actions to ensure health and safety'.

It is expectation of Waka Kotahi that all partners will manage risks *so far as reasonably practicable*. Where an industry standard or commonly accepted guideline exists to identify 'what safe looks like' then partners should be aware of this standard, reference it in its documentation but more importantly implement the recommended risk controls in the workplace.

## [HSWA](#)

Health and Safety at Work Act 2015

## [GRWM](#)

General Risk and Workplace Management Regulations 2016

## Event

Any Injury, Illness or Incident

## [Notifiable Event](#)

Any [Notifiable Injury, Illness](#) or [Incident](#)

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