

Contractor Pre-qualification

For contractors – what you need to know

Information
booklet



Risk & Safety Management Solutions



Health & Safety Training

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Working Smarter Together

On 4 April 2016, the Health and Safety at Work Act (HSWA) came into force bringing new responsibilities for everyone in the workplace. The new law is part of a reform package aimed at reducing the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020.

Health and safety is everyone's responsibility. The only way that we are going to change New Zealand's poor health and safety record and create healthier and safer work environments, is by working together to manage risks.

Rangitikei District Council is committed to ensuring a healthier and safer work environment with our business partners.

*Everyone who goes to work deserves
to come home healthy and safe*

What HSWA means for you

HSWA requires a new way of thinking about health and safety.

Under the new HSWA:

- It makes everyone's responsibilities clear
- It requires a cooperative approach for effective risk management
- It involves workers, by encouraging workplace representation and engagement
- It places duties on people who are able to contribute to the control of work health and safety risks
- It ensures that everyone has a role to play in ensuring health and safety at work

Person conducting a business or



undertaking (PCBU)

What is crucial is that you as a **'person conducting a business or undertaking'** (PCBU) under HSWA, identify the health and safety risks in your business that could seriously harm workers and others, and then consider and put in place the behaviours, practices, systems, processes and training needed to eliminate, and where they can't be eliminated, minimise those risks.

This needs to be done collaboratively with the people in your business and with the other businesses you work with (i.e. Council).

Primary duty of care



A PCBU must ensure, so far as reasonably practicable, the health and safety of workers, and that other people are not put at risk by its work. This is called the 'primary duty of care'. **All PCBUs have this primary duty of care.**

This means ensuring as far as 'reasonably practicable':

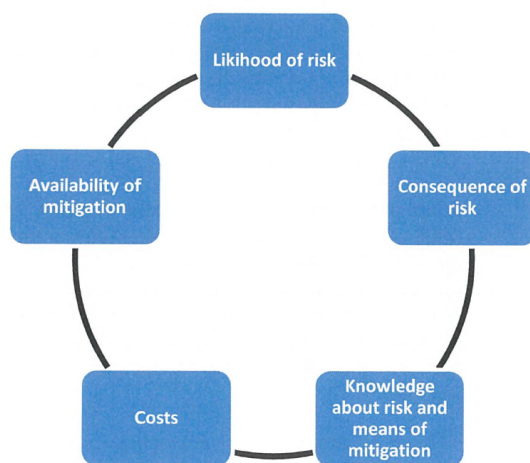
- the health and safety of workers who work for the PCBU (e.g. employees or contractors, including their subcontractors or workers) while they are at work in the business or undertaking
- the health and safety of workers whose work activities are influenced or directed by the PCBU while the workers are carrying out the work (e.g. a franchise company whose franchise requirements influence or direct the workers of the franchisee)
- That other persons are not put at risk by the work of the business or undertaking (e.g. a visitor to the workplace, or members of the public who could be affected by a work activity).

(NB) A PCBU who is a self-employed person must also ensure, so far as is reasonably practicable, his or her own health and safety while at work).

Reasonably practicable

The HSWA requires that consideration of what is '**reasonably practicable**' in relation to a duty of the PCBU, must take into account and weigh up all relevant matters. This includes:

- the likelihood of the hazard or the risk concerned occurring
- the degree of harm that might result from the hazard or risk
- what the person concerned knows, or ought reasonably to know, about the hazard or risk and the ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk
- After assessing the extent of the risk and the available ways of eliminating/minimising the risk, the cost associated with available ways of eliminating/minimising the risk (including whether the cost is grossly disproportionate to the risk).



Specific obligations for a PCBU

The primary duty of care is a broad overarching duty. It includes but is not limited to, so far as is reasonably practicable:

- providing and maintaining a work environment that is without risks to health and safety

- providing and maintaining safe plant and structures
- providing and maintaining safe systems of work
- ensuring the safe use, handling and storage of plant structures and substances
- providing adequate facilities for the welfare at work of workers carrying out work for the business or undertaking, including ensuring access to those facilities
- providing any information, training, instruction, or supervision that is necessary to protect all people from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- Monitoring the health of workers and the conditions at the workplace for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.

PCBUs must also maintain any worker accommodation that is owned or managed by the PCBU and provided because other accommodation is not reasonably available. The accommodation must be maintained so the worker is not exposed to health and safety risks.

Due diligence obligations for an 'officer'

It is important that you clearly identify who is an '**officer**' within your organisation. This is because an officer must exercise **due diligence** to make sure that the PCBU complies with its health and safety duties. The test to identify whether someone is an 'officer' is whether that person has sufficient authority to make governance decisions that affect a whole or substantial part of the business.

In many organisations it is not practical for officers to be directly involved in the day-to-day management of health and safety. However, they are still required to take reasonable steps to:

- Acquire, and **keep up to date**, knowledge of work health and safety matters
 - Gain an **understanding** of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations
 - Ensure that the PCBU has available for use, and uses, **appropriate resources and processes** to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking
 - Ensure that the PCBU has, and implements, **processes for complying with any duty or obligation** of the PCBU under HSWA
 - Ensure that the PCBU has appropriate processes for receiving and **considering information** regarding incidents, hazards, and risks and for **responding in a timely way** to that information
 - **Verify** the provision and use of the resources and processes referred to above.
- a contractor or subcontractor
 - an employee of a contractor or subcontractor
 - an employee of a labour hire company who has been assigned to work in the business or undertaking
 - an outworker (including a homeworker)
 - an apprentice or a trainee
 - a person gaining work experience or undertaking a work trial
 - a volunteer worker
 - A PCBU is also a worker if the person is an individual who carries out work in that business or undertaking.

Refer also to recently released HSWA regulations. Guidance on these regulations can be found on the WorkSafe New Zealand website –

www.business.govt.nz

Officers that only have a passive role or interest in work health and safety are not taking 'reasonable steps'! The HSWA places a premium on proactive actions from 'officers'. A breach of this duty is a criminal offence.

A workers responsibilities

Whilst the primary responsibility for work health and safety lies with the PCBU, **workers** must take reasonable care for their own health and safety, ensure that they do not adversely affect the health and safety of others, comply with any reasonable instruction provided by the PCBU (to ensure compliance with the HSWA) and co-operate with any policy or procedure of the PCBU relating to health and safety at the workplace.

Under the HSWA, a worker is a person who carries out work in any capacity for a PCBU. This includes:

- an employee

Collaboration is the Key

HSWA requires business to cooperate and coordinate around how they will manage risks collectively, and this includes being clear about the arrangements for doing this and how these arrangements will be monitored.

When there are multiple businesses at the same location, each business must do what they can, within their influence and control, to keep workers safe. In these situations, the most effective way to manage workplace health and safety is by working together.

Because businesses have duties to all workers and others affected by their work — not just those they directly employ or engage — they will have overlapping duties. Ensuring that businesses work together for the health and safety of everyone in the workplace is a fundamental part of HSWAs design.

In general terms, when we talk about businesses working together, we mean that all businesses must, so far as is reasonably practicable, consult, co-operate and coordinate their activities with other businesses particularly when there are overlapping duties in relation to workplace health and safety. Overlapping duties mean that more than one business has health and safety duties in relation to the same matter.

PCBUs must consult, cooperate and coordinate activities with each other

Why businesses must consult with each other

Consultation between businesses can help us reach a common understanding and establish clear roles, responsibilities and actions in relation to work health and safety. Working

together can also help identify and prevent gaps when managing health and safety risks for workers.

Gaps can happen particularly when:

- there's a lack of understanding about how each businesses' work activities may add to the health and safety risks in the workplace as a whole, or a chain of work activities
- one business assumes the other business is taking care of a particular health and safety issue
- the business who manages the risk is not the business in the best position to do so
- businesses do not know what other work is happening and when.

The broader benefits of consultation include:

- helping to ensure working arrangements on shared worksites and in contracting chains run smoothly and efficiently, which in turn can lead to productivity gains
- Businesses on a shared worksite or in a contracting chain working together to sort out problems — this will avoid the head contractor or property owner, for example, having to step in and sort out every problem on site or further down the contracting chain.

What your business needs to do when working with other businesses

More than one business can have a duty in relation to the same matter (**overlapping duties**). This can occur when there are multiple businesses at the same location, for example:

- construction sites,
- shopping Centre's and other multi-tenanted buildings, or
- Contracting chains.

However, businesses do not need to share a workplace to have overlapping duties.

Businesses with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other businesses so that we can all meet our joint responsibilities. Businesses do not need to duplicate each other's efforts.

Your business cannot contract out of its duties; however you can enter reasonable relationships with other businesses to meet your duties. **(Note that your business still retains the responsibility to meet its own duties).**

Businesses should also monitor each other to ensure everyone is doing what they agreed.

Overlapping duties is a key part of the design of the new HSWA. NB. When more than one PCBU have the same or overlapping duties, each PCBU maintains responsibility for its own duties.

Example – At a large building site cooperation and coordination will be needed between the construction firm, the principal contractor, electricians, carpenters, and bricklayers. Each has responsibility for the health and safety of workers on site as well as others eg. Visitors.

Working out the extent of your duty

The extent of your duty to manage risk depends on the ability of your business to influence and control the matter. Where there are overlapping duties, the extent of each business's responsibility to carry out their duties will most likely be different. This will depend on what ability your business has to influence and control the health and safety matter (i.e. the more influence and control your business has over a health and safety matter, the more responsibility you are likely to have).

For example, a business can have influence and control over health and safety matters through:

- control over work activity: a business in control of the work activity may be in the best position to control the health and safety risk
- control of the workplace: a business who has control over the workplace (and/ or plant and structures at the workplace) will have some influence and control over health and safety matters arising from work carried out by another business
- control over workers: a business will have more influence and control over its own workers and contractors than those of another business.

A business with a higher level of influence and control (and with the greatest share of the responsibilities) will usually be in the best position to manage the associated risks.

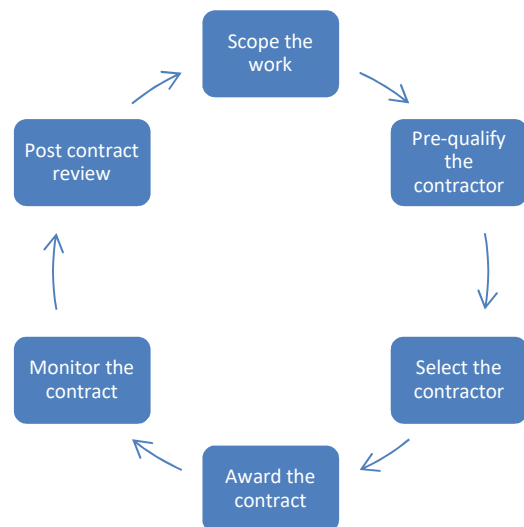
A business with less control or influence may fulfil their responsibilities by making arrangements with the business with the higher level of influence and control.

Managing risk is a key principle of the HSWA – the big change is from managing hazards to managing risk

What is Health & Safety Pre-Qualification?

Health & Safety pre-qualification is a vital step in the overall process of selecting, engaging and managing contractors. It involves Rangitikei District Council assessing potential contractors to ensure they are committed to safety, have good systems to back up this commitment and are capable of working safely in practice. The Health & Safety pre-qualification is valid for **two years only**.

Pre-qualification is not something new. It is recognised here in New Zealand and internationally as a critical step in the contractor management process



Rangitikei District Council

Council is committed to a healthy and safe working environment for our workers and anyone who comes into contact with us and our activities. We do all we reasonably can to make sure our contractors and subcontractors stay safe and healthy while working with us. We also need to make sure that our staff can work safely alongside you.

You, the Contractor

As a Contractor you need to be able to show us that you understand your duties under health and safety law and that you have the systems in place to carry out work safely - protecting your own staff, your sub-contractors and also our staff.

Pre-qualification – What's in it for me?

Understand RDC requirements

Pre-qualification is a great way we can get to know how your business works, and for you to understand our requirements. This means we are all on the same page and work can progress more smoothly.

Manage your risk

Pre-qualification doesn't have to be difficult, and it's certainly not a waste of time. This is a prime opportunity to review your health and safety practices and behaviours and revise how you manage critical risks that could cause illness, injury or even death. Not only is this the right thing to do, it's good business.

HSWA recognises that each business is best placed to know what health and safety risks it creates, and what it should do to eliminate or minimise those risks.

Remember – the law makes it clear that the PCBU has the primary duty of care to ensure the safety of workers and anyone affected by its work

What do I need to do to Pre-Qualify?

There are two forms that you will need to complete as part of our pre-qualification process.

Form 1 – Contractor Health & Safety Management

This form covers a number of distinct sections and requires examples/evidence to be provided. Refer to Appendix One.

Safety policy and management commitment

You need to supply a copy of your health and safety policy and management commitment. This is typically a one-page document, setting out your company vision for workplace health and safety, your objectives for the next year, the commitments of management, and the obligations of your workers. It should be signed by an 'officer' of your company (as defined under the HSWA), and have been endorsed within the last 12 months.

Procedures

Procedures explain how things get done, when and by whom. We need to see your procedures for:

- Company induction programme
- Inspection and maintenance of all your plant and equipment, including vehicles

Hazard management/ Control of Risks

You need to show us how you identify and control significant hazards you face as part of your work. This is most likely to be in the form of hazard identification tools such as completed workplace inspection forms and hazard identification reports. An up-to-date hazard register is also required, showing how you assess risk, and decide on control measures, as well as how those control measures are put into practice and checked.

Form 1 – This documentation is required to demonstrate that your company is capable of performing work while also managing the health and safety of all those affected. If you are ACC WSMP or Telarc accredited, you will only need to provide a copy of your certificate with this form.

Training and supervision

This includes training needs analysis (matching jobs with training needed) and training records as evidence. Examples are drivers' licences, trade certificates, and training for specific hazards such as work at height or in confined spaces. You also need to show us that you develop standard operating procedures and provide them for your workers to follow.

Accident investigation

You must give us your procedure for reporting, recording and investigating accidents, as well as how the results of investigations are discussed so that everyone can learn from them. Some examples of investigated accidents and minutes of the meetings where they were discussed are a good way to demonstrate how you do this. We would also like to see how you gather data about reported incidents so they can be tracked.

Stronger worker engagement and participation leads to healthier and safer workplaces

Engagement plan and procedures

You must show us how you engage with your workers and sub-contractors on the best ways to manage risks/hazards and on other health and safety matters. We also need to see evidence of your Workplace Health & Safety Committee (if you operate one), including minutes and how often it meets.

Emergency plan and procedures

You need to provide a copy of your emergency plan and procedures, and also training records to show that your employees have had training in the procedures - often covered by induction training.

Sub-contractor management

You need to show us how you select, monitor and review contractors that work for you. We are also interested in hearing about any instances where you have taken action against a contractor on health and safety grounds.

Performance

You must tell us about any enforcement action that has been taken against you in the past (prosecutions, notices, warnings, investigations). We also want to know the number of work days lost due to employee injury you have recorded during the past 12 months.

References

You need to supply information about the three most recent contracts completed by your company:

- Type and description
- Client and contact details
- Number of lost time injuries
- Number of person day days on contract
- Total days lost due to injuries

Public indemnity insurance

Provide us with details of your public indemnity insurance cover.

Form 2 — Contractor Health & Safety Obligations

This form covers a number of obligations that you must adhere to. Refer to Appendix Two.

These include commitments to:

- Work in compliance with relevant legislation
- Apply industry best practice to ensure the safety of everyone involved at all times
- Ensure your awareness of RDC emergency and health and safety arrangements
- Pass on all relevant health and safety information to your workers, sub-contractors, visitors and any other parties under your control as a PCBU
- Implement an effective workplace health and safety management system
- Provide us with any workplace health and safety related documentation as and when required
- Submit to workplace health and safety monitoring and audits at any time
- Agree that we can suspend or terminate work at your expense on workplace health and safety grounds
- Alert us to any notifiable events, incidents, injuries or illnesses as per the HSWA
- Alert us to any new hazards created and how they are being managed
- Agree to develop a draft health and safety plan specific to the proposed work, detailing hazards identified and control measures and safe systems of work proposed. We will check this plan, make changes if needed, and approve the plan
- Agree to abide by any policies that cover workers in our workplace (e.g. Council Drug and Alcohol Policy) or provide a copy of your own policy
- Understand that you have a duty so far as is reasonably practicable, to consult, co-operate and coordinate with Council on health and safety matters

What can you expect from us?

Before the contract is signed

We will supply information about risks/hazards and control measures for existing risks/hazards on the contract site. This will be included in the tender documents.

Before the work commences

We will complete an induction of the contractor specific to the site and work required. This is to be completed by those who have the appropriate knowledge such as the Project Engineer or the on-site Supervisor. We will notify other Council staff (as required) that contractors are beginning work.

During the contract tenure

We will monitor and audit your site and staff regularly and work with you to make any identified potential improvements. We will also help with the investigations into any serious accidents.

At the contract completion

We will review your performance, and our performance, and provide feedback in writing on successes and areas for improvements. This is where you will have an opportunity to suggest improvements to our systems and processes.

Next steps

Visit the Council website www.rangitikei.govt.nz and download Forms 1 and 2. Then return the completed Forms and evidence/certificate to the email address below or Council address 46 High Street Marton

Once we are satisfied with the documentation provided, you will be advised in writing that you are pre-qualified in health and safety for a period of two years only and that you have been added to our health and safety pre-qualified contractor register.

If you have any questions, please contact Councils HR Co-ordinator Sue Bligh

Sue.bligh@rangitikei.govt.nz

HSWA Terms and Definitions

Due diligence

Under s.44 of the HSWA, the term due diligence includes taking reasonable steps -

- a. *to acquire, and keep up to date, knowledge of work health and safety matters; and*
- b. *to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and*
- c. *to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*
- d. *to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and*
- e. *to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and*
- f. *To verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).*

Duty

A moral or legal obligation; a responsibility.

Duty holder

A duty holder is a person who has a duty under the HSWA. There are four duty holders:

1. PCBUs
2. Officers
3. Workers
4. Other persons at workplaces

Hazard

Under s.16 of the HSWA, the term hazard includes —

A person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour).

Health and Safety at Work Act (HSWA) 2015

The Health and Safety at Work Act (HSWA) 2015 is the key work health and safety law in New Zealand and covers nearly all work and workplaces. HSWA comes into effect on 4 April 2016.

Notifiable event

Under s.25 of the HSWA, the term notifiable event means any of the following events that arise from work —

- a. *The death of a person; or*
- b. *a notifiable injury or illness; or*
- c. *a notifiable incident*

The regulator (WorkSafe) must be informed of notifiable events by calling 0800 030 040.

Notifiable incident

Under s.24 of the HSWA, the term notifiable incident means —

1. *In this Act, unless the context otherwise requires, 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 pressurized 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.*

Notifiable injury or illness

Under s.23 of the HSWA, the term notifiable injury or illness means —

1. *In this Act, unless the context otherwise requires, 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.*

Officer

Under s.28 of the HSWA, the term officer in relation to a PCBU —

- a. *means, if the PCBU is—*
 - i. *a company, any person occupying the position of a director of the company by whatever name called;*

- ii. *a partnership (other than a limited partnership), any partner:*
 - iii. *a limited partnership, any general partner:*
 - iv. *a body corporate or an unincorporated body, other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company; and*
- b. *includes any other person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking (for example, a chief executive); but*
 - c. *does not include a Minister of the Crown acting in that capacity; and*
 - d. *to avoid doubt does not include a person who merely advises or makes recommendations to a person referred to in paragraph (a) or (b).*

Other person at workplace

Under s.46 of the HSWA, duties of other persons at a workplace means —

A person at a workplace (whether or not the person has another duty under this Part) must—

- a. *take reasonable care for his or her own health and safety; and*
- b. *take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and*
- c. *Comply, as far as he or she is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations.*

Includes workplace visitors and casual volunteers at workplaces.

Overlapping duties

This is when more than one person conducting a business or undertaking (PCBU) has health and safety duties in relation to the same matter.

For example, there may be a number of different businesses working together or alongside each other on a single worksite, and through contracting or supply chains.

Person conducting a business or undertaking (PCBU)

A PCBU is a 'person conducting a business or undertaking'. Under s.17 of the HSWA this is defined as —

- a. *means a person conducting a business or undertaking —*
 - i. *whether the person conducts a business or undertaking alone or with others; and*
 - ii. *whether or not the business or undertaking is conducted for profit or gain; but*
- b. *does not include -*
 - i. *a person to the extent that the person is employed or engaged solely as a worker in, or as an officer of, the business or undertaking;*
 - ii. *a volunteer association;*
 - iii. *an occupier of a home to the extent that the occupier employs or engages another person solely to do residential work;*
 - iv. *a statutory officer to the extent that the officer is a worker in, or an officer of, the business or undertaking;*
 - v. *a person or class of persons that is declared by regulations not to be a PCBU for the purposes of this Act or any provision of this Act.*

While the terms 'business' and 'undertaking' are not defined in HSWA, here's what they usually mean:

- business is an activity carried out with the intention of making a profit or gain

- Undertaking is an activity that is non-commercial in nature. For example certain activities of a local authority.

Examples of PCBUs

Individuals or organisations can be PCBUs if they carry out work, regardless of their legal structure. The following are examples of PCBUs:

- A business in the form of an incorporated company
- A sole trader or self-employed person
- A general partner in a partnership (if the partnership is a limited partnership)
- A partner in a partnership (if the partnership is not a limited partnership)
- An organisation created by legislation (e.g. government department, university, school or local authority)

Personal Protective Equipment (PPE)

Under s.16 of the HSWA, personal protective equipment means —

- anything used or worn by a person (including clothing) to minimise risks to the persons health and safety; and*
- includes air-supplied respiratory equipment*

Plant

Under s.16 of the HSWA, plant means —

- any machinery, vehicle, vessel, aircraft, equipment (including PPE), appliance, container, implement, or tool; and*
- any component of any of those things; and*
- anything fitted or connected to any of those things*

Primary duty of care

Under s.36 of the HSWA, primary duty of care means -

1. *A PCBU must ensure, so far as is reasonably practicable, the health and safety of—*

- workers who work for the PCBU, while the workers are at work in the business or undertaking; and*
 - workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work.*
2. *A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
 3. *Without limiting subsection (1) or (2), a PCBU must ensure, so far as is reasonably practicable,—*
 - the provision and maintenance of a work environment that is without risks to health and safety; and*
 - the provision and maintenance of safe plant and structures; and*
 - the provision and maintenance of safe systems of work; and*
 - the safe use, handling, and storage of plant, substances, and structures; and*
 - the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and*
 - the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*
 - that the health of workers and the conditions at the workplace are monitored for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.*
 4. *Subsection (5) applies if—*
 - a worker occupies accommodation that is owned by, or under the management or control of, a PCBU; and*
 - the occupancy is necessary for the purposes of the worker's employment*

or engagement by the PCBU because other accommodation is not reasonably available.

5. *The PCBU must, so far as is reasonably practicable, maintain the accommodation so that the worker is not exposed to risks to his or her health and safety arising from the accommodation.*
6. *A PCBU who is a self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work*

Reasonably practicable

Under s.22 of the HSWA, reasonably practicable means -

In this Act, unless the context otherwise requires, reasonably practicable, in relation to a duty of a PCBU set out in subpart 2 of Part 2, means that which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters, including—

- a. *the likelihood of the hazard or the risk concerned occurring; and*
- b. *the degree of harm that might result from the hazard or risk; and*
- c. *what the person concerned knows, or ought reasonably to know, about—*
 - i. *the hazard or risk; and*
 - ii. *ways of eliminating or minimising the risk; and*
- d. *the availability and suitability of ways to eliminate or minimise the risk; and*
- e. *after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.*

Risk

Risk can be described as the likelihood certain consequences (death, injury, or illness) occur when a person is exposed to a hazard. Risks

arise from people being exposed to a hazard (a source of harm).

Structure

Under s.16 of the HSWA, structure means —

- a. *anything that is constructed, whether fixed, moveable, temporary, or permanent; and*
- b. *includes—*
 - i. *buildings, masts, towers, frameworks, pipelines, quarries, bridges, and underground works (including shafts or tunnels); and*
 - ii. *any component of a structure; and*
 - iii. *part of a structure*

Worker

Under s.19 of the HSWA, worker means —

1. *In this Act, unless the context otherwise requires, a worker means an individual who carries out work in any capacity for a PCBU, including work as—*
 - a. *an employee; or*
 - b. *a contractor or subcontractor; or*
 - c. *an employee of a contractor or subcontractor; or*
 - d. *an employee of a labour hire company who has been assigned to work in the business or undertaking; or*
 - e. *an outworker (including a homeworker); or*
 - f. *an apprentice or a trainee; or*
 - g. *a person gaining work experience or undertaking a work trial; or*
 - h. *a volunteer worker; or*
 - i. *a person of a prescribed class.*
2. *For the purposes of subsection (1),—*
 - a. *a constable is—*
 - i. *a worker; and*
 - ii. *at work throughout the time when the constable is on duty or is lawfully performing the functions of a constable, but not otherwise:*
 - b. *a member of the Armed Forces is—*
 - i. *a worker; and*

- ii. *at work throughout the time when the member is on duty or is lawfully performing the functions of a member of the Armed Forces, but not otherwise:*
 - c. *a PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.*
3. *In this Act, a volunteer worker—*
- a. *means a volunteer who carries out work in any capacity for a PCBU—*
 - i. *with the knowledge or consent of the PCBU; and*
 - ii. *on an ongoing and regular basis; and*
 - iii. *that is an integral part of the business or undertaking; but*
 - b. *does not include a volunteer undertaking any of the following voluntary work activities:*
 - i. *participating in a fund-raising activity:*
 - ii. *assisting with sports or recreation for an educational institute, sports club, or recreation club:*
 - iii. *assisting with activities for an educational institute outside the premises of the educational institution:*
 - iv. *providing care for another person in the volunteer's home.*

- b. *any waters and any installation on land, on the bed of any waters, or floating on any waters.*

WorkSafe

WorkSafe is the government agency that is New Zealand's work health and safety regulator.

Workplace

Under s.20 of the HSWA, workplace means —

1. *In this Act, unless the context otherwise requires, a workplace —*
 - a. *Means a place where work is being carried out, or is customarily carried out, for a business or undertaking; and*
 - b. *includes any place where a worker goes, or is likely to be, while at work.*
2. *In this section, place includes —*
 - a. *a vehicle, vessel, aircraft, ship, or other mobile structure; and*

Appendices

Information

This section must be completed by the contractor

Contract Number (if applicable)	
Name of Contractor	
Name of Contractor's Representative	
Name of Council Representative	
Postal Address	
Post Code	
Date	
Number of Employees	

If your company has completed and submitted **all** components of this section within the last two years, please indicate contract details and other relevant information. If your company has been issued with a supporting letter within the last two years from the Council (advising pre-qualification status) please include a copy in the contract documentation. It **may** not be necessary to work through this section again.

Safety Management Policy		Yes	No
a	Provide evidence of your company's written Health and Safety policy	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you have a Health and Safety Manual? (if yes, please provide a copy)	<input type="checkbox"/>	<input type="checkbox"/>
c	Do you have a Drug and Alcohol Policy? (If yes, please provide a copy)	<input type="checkbox"/>	<input type="checkbox"/>
d	Do you hold any current level of the ACC Workplace Safety Management Practices or Telarc?, or another safety accredited programme.(If yes, please provide evidence and go directly to the Insurance Section and continue to complete the form)	<input type="checkbox"/>	<input type="checkbox"/>

Procedures		Yes	No
a	Does your company have a safety induction program?	<input type="checkbox"/>	<input type="checkbox"/>
b	Is there a regular inspection of all plant and equipment owned by the company? (If yes, provide supporting evidence of inspections)	<input type="checkbox"/>	<input type="checkbox"/>

Hazard/Risk Management		Yes	No
a	Is there a systematic process for identification and control of significant hazards and risk? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
b	Are general workplace audit/inspections conducted regularly? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
c	Do you have written work instructions, safe work procedures or specific safety instructions for the work you are engaged to do? (e.g working at heights, confined spaces)	<input type="checkbox"/>	<input type="checkbox"/>
d	Do you develop site specific safety plans when undertaking contracted work?	<input type="checkbox"/>	<input type="checkbox"/>
e	What hazards such as noise, asbestos or certain hazardous substances, do you undertake health monitoring of workers? Please list below.	<input type="checkbox"/>	<input type="checkbox"/>

Training and Supervision		Yes	No
a	Are all personnel trained and/ or supervised in the safe use of all plant, equipment, personal protective equipment or clothing, they may use or handle? (If yes, provide supporting evidence)	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you ensure all information regarding safe operational systems and procedures are identified and distributed?	<input type="checkbox"/>	<input type="checkbox"/>

Accident Investigation		Yes	No
a	Does your company have a written procedure for investigation, reporting and analysis?	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you provide outcomes with a transparency of information to workers and disclose findings?	<input type="checkbox"/>	<input type="checkbox"/>
c	Does your company quantify data	<input type="checkbox"/>	<input type="checkbox"/>

Engagement and Participation		Yes	No
a	Are workers consulted and provided opportunities with input in resolution of hazards and risks? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
b	Do workers/subcontractors have input into specific onsite hazards and risks associated with contracts? (If yes, provide supporting evidence)	<input type="checkbox"/>	<input type="checkbox"/>
c	Is there a workplace Health and Safety committee? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>

Emergency Plan and Procedures including asbestos		Yes	No
a	Do you have an emergency plan and/ or procedures? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you regularly maintain your company plan or procedures so that it remains effective? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
c	Are staff informed and have they received training on emergency procedures? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
d	Do you have a process for managing asbestos (if so please provide)	<input type="checkbox"/>	<input type="checkbox"/>

Sub-Contractor Management			
a	What are the criteria and process you use for selecting subcontractors? Please describe:		
		Yes	No
b	Do you monitor subcontractors through the duration of the contract to ensure all safety requirements are met? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
c	Are subcontractor post contract reviews undertaken? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>
d	Have you terminated or suspended a subcontractor on the grounds of Health and Safety? (If yes, provide supporting evidence.)	<input type="checkbox"/>	<input type="checkbox"/>

Safety Performance		Yes	No
a	Do you maintain Safety records of:		
	Facilities	<input type="checkbox"/>	<input type="checkbox"/>
	Injuries	<input type="checkbox"/>	<input type="checkbox"/>
	Near Misses	<input type="checkbox"/>	<input type="checkbox"/>
	Property Damage	<input type="checkbox"/>	<input type="checkbox"/>
	Environmental Damage	<input type="checkbox"/>	<input type="checkbox"/>
b	Has your company ever been convicted of a Health and Safety offence? (If so please give details)	<input type="checkbox"/>	<input type="checkbox"/>
c	Has your company ever been investigated, or received a written warning from WorkSafe for any incident/ accident including serious harm or fatalities? (If yes, provide supporting details)	<input type="checkbox"/>	<input type="checkbox"/>
d	Has a Health and Safety Regulator issued your company any improvement or prohibition notices over the last five years. (If yes, provide supporting details)		
Licences and Certification		Yes	No
a	Do any of your employees perform any tasks that require special competencies or licences? i.e forklift, confined space entry, working at height, trade certification. (If so please provide copies of certificates, licences etc.)	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Management		Yes	No
a	Does your Company have a current Environmental Policy? (if so please attach a copy)	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you hold safety data sheets for all chemicals on site? (if so please attach your Haz Sub register)	<input type="checkbox"/>	<input type="checkbox"/>

Insurance		Yes	No
a	Do you hold current Public Liability Insurance? (if yes, please attach a copy of your policy)	<input type="checkbox"/>	<input type="checkbox"/>
b	Do you hold appropriate motor vehicle insurance? (if yes, please attach a copy of your policy)	<input type="checkbox"/>	<input type="checkbox"/>

c	Do you hold Professional indemnity Insurance? (if yes, please attach a copy of your policy)	<input type="checkbox"/>	<input type="checkbox"/>
d	Do you hold any other relevant insurances? (if yes, please specify below)	<input type="checkbox"/>	<input type="checkbox"/>

References

Please provide the following information for the three most recent contracts completed by your company?

1	Type and description
2	Client and contact details
Remember to supply relevant supporting evidence with your documentation	

Declaration

I am authorized to sign this form.

The information in this form is a true and accurate description of the health and safety systems to be used by us when contacted to Rangitikei District Council.

I understand that as a Contract to Rangitikei District Council I agree to abide by their specific requirements, the Health and Safety at Work Act 2015, all relevant codes of practice, WorkSafe NZ guidelines, Industry Standards, and other relevant statutes.

Contractor _____ Date _____
 Representative _____

Checked by Council's Representative and ready to proceed.

_____ Date _____
 Council Representative _____

Information

This section must be completed by the Contractor

All completed induction information must be held with the contract documentation file for internal audit purposes.

Purpose of Document: *To outline the responsibilities and expectations of the parties involved signed by Contractors either in the tender process, or at a specific site induction.*

Contract Number	
Name of Contractor	
Name of Contractor's Representative	
Name of Council's Representative	
Date	

Contractor Obligations

1	The Contractor understands their obligations to themselves, their subcontractors and their workers under the Health and Safety at Work Act and confirm their intention to comply at all times while working on this contract.
2	The Contractor recognises that the Council is responsible for only advising the nature of, and methods of controlling, hazards specific to the Council's business or worksite and that the Contractor shall apply best industry practice to ensure the safety of all involved at all times.
3	For work undertaken on a Council site i.e. Wastewater Treatment Plant, the Council will advise the Contractor of emergency procedures, location of emergency equipment, location and use of safety equipment, basic safety rules, hazards and hazard controls, go and no-go areas and access and authorisation requirements relevant to the service being performed.
4	The Contractor shall ensure that all their subcontractors, workers, volunteers, visitors and all staff on work experience or on the job training are informed of the same and that no person shall be permitted to work on the contract without being so informed.

5	The Contractor has a Health and Safety management system in place, which ensures their compliance with the Health and Safety at Work Act in connection with this contract.
6	The Contractor agrees to make available for inspection on demand by Council any documentation related to Health and Safety in connection with this contract.
7	The Council has the right to monitor the Contractor's activities and carry out a safety audit from time to time during the progress of the contract.
8	The Council has the right to suspend work at the Contractors expense where the Council is not satisfied that all reasonably practicable steps are being taken to ensure the Health and Safety of workers and others in connection with the contract.
9	The Contractor will advise the Council immediately of any notifiable events, incidents, injuries or illness as per sections 23, 24 and 25 of the Health and Safety at Work Act.
10	The Contractor will advise the Council immediately of any new hazard created during the contract and will take all reasonably practicable steps to avoid harm being caused to any person as a result of such hazards.
11	Before beginning work on the contract, the Contractor will carry out a systematic identification of hazards likely to be encountered and will develop controls for all those identified as being significant hazards, and advice the Council prior to commencement accordingly.
12	If the contractor does not have a Drug and Alcohol Policy they will be covered by Council's Drug and Alcohol Policy.
13	The Contractor acknowledges that they have a duty, so far as reasonably practicable, to consult, co-operate and co-ordinate with Council on Health and Safety matters.
14	The Council has the right to suspend work at the Contractors expense where the Council is not satisfied that all reasonably practicable steps are being taken to ensure the Health and Safety of workers and others in connection with the contract.
15	The Contractor will advise the Council immediately of any notifiable events, incidents, injuries or illness as per sections 23, 24 and 25 of the Health and Safety at Work Act.
16	The Contractor will advise the Council immediately of any new hazard created during the contract and will take all reasonably practicable steps to avoid harm being caused to any person as a result of such hazards.
17	Before beginning work on the contract, the Contractor will carry out a systematic identification of hazards likely to be encountered and will develop controls for all those identified as being significant hazards, and advice the Council prior to commencement accordingly.

18	This prequalification approval will be shared with all other councils within the Manawatu-Wanganui Local Authority Shared Service Group (MWLASS). Please indicate if you consent to us sharing your Post Contract Evaluation information to the MWLASS Council's .	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

Signed for an on behalf of the contractor:

Full Name _____

Signature _____ **Date** _____