

Welcome to the RCA Forum AGM and Forum

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Wellington



A principals guide to contracting to meet the Health and Safety in Employment Act 1992

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The guide and its resources

HEALTHY PEOPLE IN SAFE AND PRODUCTIVE WORKPLACES



A principal's guide to contracting to meet the Health and Safety in Employment Act 1992

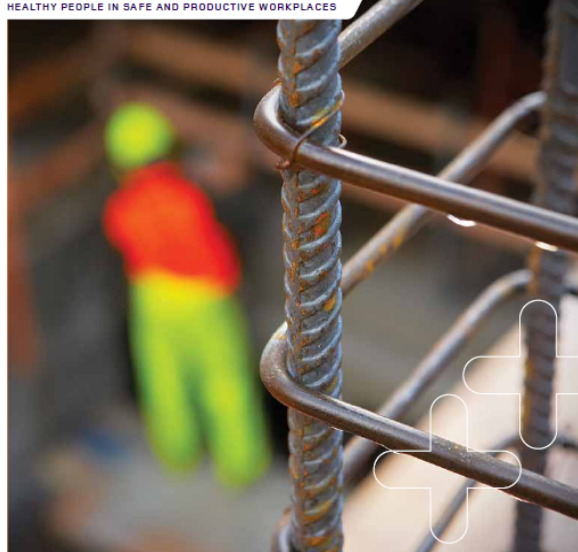
▶ A GUIDE FOR WORKPLACES

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HEALTHY PEOPLE IN SAFE AND PRODUCTIVE WORKPLACES



PRINCIPALS ACHIEVING HEALTH AND SAFETY OUTCOMES

Manukau City Council's procurement arrangements

▶ CASE STUDY OF BEST PRACTICE



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→ HEALTH AND SAFETY IN CONTRACTING SITUATIONS



As a principal to a contract, you are liable for the health and safety of contractors under the Health and Safety in Employment Act 1992. If you fail in your duty the Act provides for substantial penalties.

If you are in business and contract people or businesses to do work for you, then you will have duties as a principal under the Act. Putting work out to contract doesn't remove your health and safety obligations and is therefore not the "easy option". You cannot pass on a legal duty that falls on you as an employer, a person in control of a place of work, or a principal in terms of the Act. The aim of the Health and Safety in Employment Act 1992 (the Act) is the prevention of harm

to people at work or as a result of work activities. To do this, the Act places a range of duties and responsibilities on people in the workplace to manage hazards and ensure work is done safely.

The Act creates a duty requiring principals to a contract to take "all practicable steps" to ensure contractors, subcontractors and their employees are not harmed while undertaking work under the contract.

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Why the need for the guidance?

- Contractor safety is a significant issue for many

📖 Section 18 of the Health and Safety in Employment (HSE) Act 1992 – Duties of principals

(1) Every principal shall take all practicable steps to ensure that –

(a) no employee of a contractor or subcontractor; and

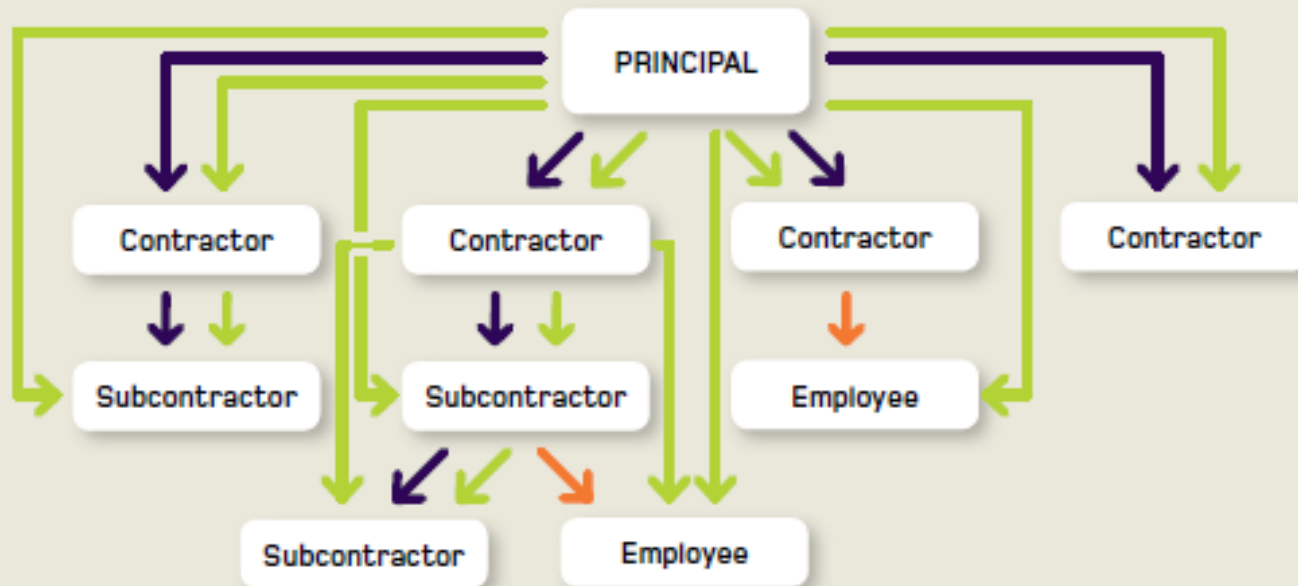
(b) if an individual, no contractor or subcontractor, – is harmed while doing any work (other than residential work) that the contractor was engaged to do.

(2) Subsection (1) of this section shall be read subject to section 2(2) of this Act.

prepared to help businesses meet that duty.

Obligations of a Principal

KEY ↓ indicates principal/
contractor relationship ↓ indicates employer/
employee relationship ↓ indicates section 18
obligation



COUNCIL was fined \$10,000 under s18(1)(a) and ordered to pay \$5000 in reparations after a contractor installing piping in a sewage holding tank was overcome by toxic gas. The council had not ensured the contract workers were aware of the hazards associated with confined space work.

The man's employer, CONTRACTOR, had previously been fined \$24,000 on two s6 charges relating to employees who were on the scene but were not harmed, and ordered to pay \$12,000 in reparations to the victim.

Areas the guidance addresses are:

1 | Scoping the work

2 | Pre-qualifying the contractor

**3 | Contractor selection and
negotiation of terms**

4 | Awarding the contract

5 | Monitoring the contract

6 | Post-contract review

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What best practice looks like

- Manukau CC has established processes and is growing organisational capability to effectively manage contractors' safety.
- Contractors are now required to be Certified Partners in health and safety to undertake physical works for Manukau CC - as a result, Manukau CC is awarding contracts to higher-quality contractors in regard to health and safety practices
- Manukau CC and contractors follow a faster and more streamlined evaluation process for tenders
- Serious harm accidents and improvement notices issued by the Department have reduced.

For the guidelines and case study
online go to:

<http://www.osh.govt.nz/order/catalogue/contracting-guide.shtml>

Questions