

# Contractor Management Procedure

## OBJECTIVE

*Our School* has important legal obligations to monitor and supervise the activities of Contractors (Workers) with regard to the health and safety aspects of their work. When *Our School* as (the Principal) engages Contractors to perform work on their behalf, they have a responsibility to ensure a systematic approach is used to ensure that all Contractors, their Sub-Contractors and/or their Workers do not cause harm to themselves, to *Our School* Employees and 'others' (Visitors, Clients and members of the public) while undertaking the work required by the Contract.

## DESCRIPTION

Visitors and Contractors are often unfamiliar with the workplace and are used to performing work with specific skills and/or equipment. For these reasons they may not have knowledge of the hazards they may be exposed to or may introduce new/additional hazards to the workplace and the existing workforce.

## DEFINITIONS

### Worker

Refer to General Definitions.

### *Our School* Representative

The person responsible for the Visitor or the work being undertaken (includes Contractor and Sub-Contractor Management).

### Premises

Premises or workplace under the control of *Our School*, this may include a public place.

### Visitor

A person attending a workplace temporarily who will remain supervised or escorted at all times.

## REFERENCE

- Health and Safety at Work Act 2015;
- Health and Safety at Work (General Risk and Workplace Management) Regulations 2016;
- A principal's guide to contracting to meet the Health and Safety in Employment Act 1992: A guide for workplaces – WorkSafe NZ
- Overlapping Duties: A Quick Guide – WorkSafe NZ.

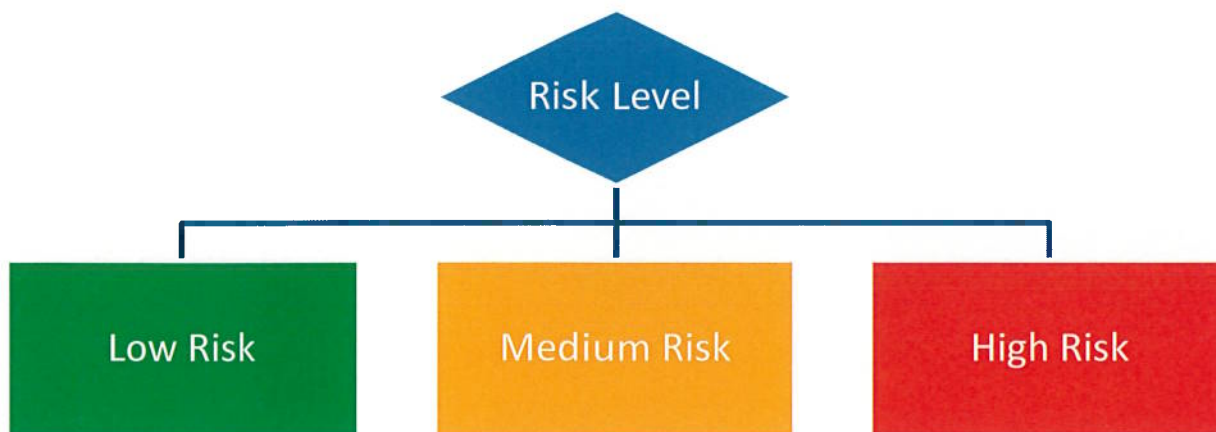
## PROCESS

### Selection, Management and Approval of Contractors/Suppliers

The Procurement Team in *Our School* will manage the process to Select, Approve, Induct, Monitor and Evaluate Contractors and Suppliers based on their Health and Safety Performance. This will form part of their normal Procurement Process.

This process is based on the level of risk related to the work to be undertaken, and the hazards and risks brought to the *Our School* Branch/Site.

The following page shows a diagrammatic overview of the process based on the level of risk.



Low Risk	Medium Risk	High Risk
<p>Type of work includes:</p> <ul style="list-style-type: none"> <li>• Low level, one-off maintenance contract/work</li> <li>• Use of non-powered hand tools</li> <li>• Standard low-risk hazards</li> </ul>	<p>Type of work includes:</p> <ul style="list-style-type: none"> <li>• Powered Hand Tools or equipment</li> <li>• Standard medium-risk hazards</li> <li>• Potential impact on <i>Our School</i> People/Equipment</li> </ul>	<p>Type of work includes:</p> <ul style="list-style-type: none"> <li>• One-off project work with high-risk hazards</li> <li>• Potential significant impact on <i>Our School</i> People/Equipment</li> </ul>
<p>Examples include basic maintenance such as:</p> <ul style="list-style-type: none"> <li>• Fixing a tap washer or door lock at short notice</li> <li>• Watering and caring for indoor plants provided by a supplier</li> <li>• Replenishing drinks and food machines</li> <li>• Fixing a section of carpet tile</li> </ul>	<p>Examples include Short/long-term maintenance contracts such as:</p> <ul style="list-style-type: none"> <li>• Performing finishing work such as painting</li> <li>• Landscaping</li> <li>• Cleaning</li> <li>• Cabling in ceiling etc.</li> <li>• EOTC</li> </ul>	<p>Examples include one-off projects such as:</p> <ul style="list-style-type: none"> <li>• Classroom relocation</li> <li>• New room build</li> <li>• EOTC</li> </ul>
<p>Requirements may include:</p> <ul style="list-style-type: none"> <li>• Purchase Order/Approval</li> <li>• Sign-in/Sign-out at Reception</li> <li>• Standard visitor Induction on first visit</li> </ul>	<p>Requirements may include:</p> <ul style="list-style-type: none"> <li>• Tender Process</li> <li>• Purchase Order/Contract</li> <li>• Approved Contract Specific Safety Plan</li> <li>• Approved Safe Work Methodology (e.g. Task Analysis, Safe Work Method Statement)</li> <li>• Sign-in/Sign-out at Reception</li> <li>• Contractor Induction on first visit</li> <li>• Planned Monitoring of H&amp;S Performance</li> <li>• Annual health and safety evaluation</li> </ul>	<p>Requirements include:</p> <ul style="list-style-type: none"> <li>• Possible Tender Process</li> <li>• Purchase Order/Contract</li> <li>• Approved Site/Project Specific Safety Plan</li> <li>• Approved Safe Work Methodology</li> <li>• Sign-in/Sign-out in Work Area and Induction</li> <li>• Active Monitoring of H&amp;S Performance during the project</li> <li>• Health and safety evaluation at the end of the project</li> </ul>

## MOE CONTRACTORS

As part of their building maintenance programme the MOE may engage Contractors to carry-out works on or in a building occupied by *Our School*.

As the MOE is a PCBU in their own right, and they engage the Contractor to carryout work on their behalf, The MOE and the Contractor are responsible for ensuring their own and others health and safety through Safety Plans, Safe Work Methodologies, Safe Plant and equipment etc.

The MOE has a responsibility to:

- Notify *Our School* of the intended work, any hazards and controls that apply
- Work with *Our School* and the Contractor(s) to reduce the level of risk
- Ensure that the Contractor reports to *Our School* Reception to sign-in, and if necessary be inducted

### **What are the duties of the MOE as a property owner/landlord under the Health and Safety at Work Act?**

Under the Act, the MOE as a property owner/landlord is a Person Conducting a Business or Undertaking (PCBU). This means they have a duty of care, so far as is reasonably practicable, to ensure the health and safety of everyone involved with or affected by work on or at their property. This includes work that they organise or are responsible for.

Those that could be affected include tenants, contractors engaged by them, or members of the public visiting their property.

### **What are the duties of Bodies Corporate?**

Under Health and Safety at Work Act, a Body Corporate is considered to be a PCBU. As a result, a Body Corporate has a duty to ensure, so far as is reasonably practicable, the health and safety of workers, and that the health and safety of other persons is not put at risk from its work. These duties apply to matters over which the Body Corporate has influence and control.

### **Duties of a commercial tenant**

Commercial tenants (I.e. *Our School*) are also PCBUs and they have the same duty of care as other PCBUs, so far as is reasonably practicable, to ensure the health and safety of their own workers and others.

As a tenant, *Our School* only have a responsibility under the Act when work is carried out on the property. *Our School* have to take reasonable care for our own and others' health and safety, and follow any reasonable instructions given by the company doing the work (e.g. a plumber or electrician).

### **Duties of a PCBU**

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

## OVERLAPPING DUTIES

Businesses that work together will likely share health and safety duties in relation to the same matter. These are known as overlapping duties.

### When Can Duties Overlap?

Duties can overlap in a shared workplace where more than one business and its workers control and influence the work on site.

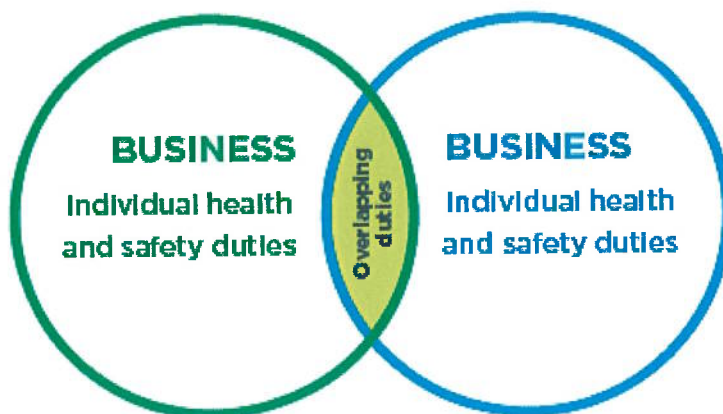


Figure 1: Overlapping duties in a shared workplace

To ensure overlapping duties are managed businesses need to consult, cooperate and coordinate work with each other. This includes establishing each business's level of responsibility towards health and safety duties.

All businesses should:

- Discuss what work activities are being carried out
- Agree on the degree of influence and control each business has
- Agree on who will manage what and how it will be managed
- Monitor and check how things are going on an ongoing basis.

**SPECIFIC REQUIREMENTS**

REQUIREMENT	DOCUMENT	FREQUENCY	RESPONSIBILITY
<i>Our School</i> to identify Contract health and safety requirements	Procurement Process	Prior to Tender/Contract phase	Property Manager
Contractor to Complete Pre-Qualification Process	Contractor Health and Safety Pre-Qualification Agreement Contractor Approval Checklist	Initial Pre-Qualification	Property Manager Contractor
Contractor Health and Safety Induction	<i>Our School</i> Induction Process Reception Visitor’s Log	Annually or Per site visit (Contract specific)	Property Manager and/or Relevant Manager
Monitoring Contractor Health and Safety Performance	Contractor Evaluation Checklist	Quarterly or six-monthly (Contract specific)	Property Manager
Review / Evaluate Overall Contractor Health and Safety Performance	Evaluation of Contractor	Annually	Property Manager
Contractor to Re-Apply for Health and Safety	Contractor Health and Safety Pre-Qualification Agreement	Low-Risk = Two-Yearly High-Risk = Annually	Property Manager

**CONTRACTOR/SUPPLIER HEALTH AND SAFETY PRE-QUALIFICATION AGREEMENT****A - Summary**

This is a Health and Safety Agreement between *Our School* and the Contractor/Supplier. Please complete this form by answering (ticking) **Yes** or **No** to each of the questions in this document, signing the first page and providing information as requested.

Contractor/Supplier Business Name:			
Contractor/Supplier Representative's Name and Contact Details:	Name:		
	Address:		
	Mobile:		
	Email:		

**B - Contractor/Supplier Declaration**

On behalf of the Contractor/Supplier, on signing this form, I confirm that:

- I have read, understand and completed this document in full.
- I am authorised to provide this information and sign this form.
- The information provided in this form is true and correct.
- I understand that if the information I have provided is not true and correct, *Our School* may withdraw the Contractor/Supplier's health and safety approval and take any other action available to it.
- I understand that as the Contractor/Supplier our company will be liable for anything *Our School* has done or omitted because it has reasonably relied on the accuracy of information provided in this questionnaire.
- As a Contractor/Supplier to *Our School*:
  - We agree to abide by the requirements of New Zealand Health and Safety Legislation, Regulations, Codes of Practice or relevant Standards pursuant to that Legislation whilst working for or on behalf of *Our School*.
  - We agree to abide by any health and safety requirements outlined in this document and agreed separately with the *Our School* in the course of the work we have been or will be engaged to do.
  - We understand that any Contract with *Our School* may be terminated if there is non-compliance with this document, agreed health and safety requirements and/or any provisions of Health and Safety Legislation, Regulations, Codes of Practice, Guidelines etc.

Contractor/Supplier Representative's Name:	Position:
Contractor/Supplier Representative's Signature:	Date: ____/____/____

**C – Insurance**

Please return a current copy of these with this document.

All Contractor/Suppliers are required to have:

- Current Public Liability Insurance for a minimum of xxx
- Current Professional Indemnity Insurance for a minimum of xxx

**D – Performance**

If you answer Yes to any of the questions below, please provide and return a summary of key details including causes and solutions with this Agreement.

YES NO

Has your Organisation had any workplace Serious Harm Injuries in the last three-years?

Has your Organisation had any workplace deaths in the last three-years?

Has your Organisation been prosecuted by WorkSafe NZ for Breaches of the Health and Safety at Work Act or Regulations in the last five-years?

Has your Organisation been issued with any Improvement, Prohibition or Infringement Notices by WorkSafe New Zealand in the last five-years?

**E – Contractor/Supplier Health and Safety Management System**

Please Confirm the following by selecting Yes or No.

YES NO

Do you have a Company Health and Safety Policy that is current (e.g. less than 2-years)?

Do you effectively engage with Workers (Employees and Contractors) on health and safety matters? (e.g. Health and safety meetings, committee, discussions).

Do you work with your own Contractors to ensure they effectively manage health and safety in relation to the work they do?

Do you have a current hazard/risk register with identified and assessed risks, controls and responsibilities that relate to the work you do?

Do you monitor and record the effectiveness of your hazard/risk controls?

Is your plant and equipment correct for the job, in good condition and safe to use?

Do you have emergency procedures in place with trained Workers where relevant?

Do you have any safe work methodologies (e.g. Safe Operating Procedures, Task Analysis, Safe Work Method Statements etc.) for high-risk work?

Are your Workers trained and competent to safely work as they are engaged to do?

Do you report incidents and investigate those you would consider 'serious'?



<b>F – Contractor/Supplier’s PCBU Duties</b> <i>Please Confirm the following by selecting Yes or No.</i>	<b>YES</b>	<b>NO</b>
<p>As a PCBU you must ensure, so far as is 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’. Do you commit to ensuring, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> <li>• The health and safety of workers who work for the PCBU (e.g. employees or Contractor/Suppliers, including their Subcontractor/Suppliers or Workers) while they are at work in the business or undertaking.</li> <li>• The health and safety of workers whose work activities are influenced or directed by your company while the workers are carrying out the work.</li> <li>• That other persons are not put at risk by the work of your business (e.g. a visitor to the workplace, or members of the public who could be affected by a work activity).</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will you, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> <li>• Provide and maintain a work environment that is without risks to health and safety?</li> <li>• Provide and maintain safe plant and structure?</li> <li>• Provide and maintain safe systems of work?</li> <li>• Ensure the safe use, handling and storage of plant, structures and substances?</li> <li>• Provide adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities?</li> <li>• Provide 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?</li> <li>• Monitor 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?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>G – General</b> <i>Please Confirm the following by selecting Yes or No.</i>	<b>YES</b>	<b>NO</b>
<p>You agree that <i>Our School</i> has the right to monitor the Contractor/Supplier’s activities and carry out a Safety Audit from time to time during the term of the contract.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Before beginning work on the Contract, or if there is a significant change to the type of work being undertaken, the Contractor/Supplier will carry out a systematic identification of hazards likely to be encountered, assess the level of risk and will develop controls including emergency procedures for all those identified as being high risk hazards. These hazards and controls will be supplied to <i>Our School</i> for approval prior to the Contractor/Supplier starting work in the form of a Safety Plan and Safe Work Methodologies such as a Safe Work Method Statement, Job Safety Analysis or Task Analysis as required.</p>	<input type="checkbox"/>	<input type="checkbox"/>

## H – Specific *Our School* Health and Safety Requirements

*By signing this document, you confirm the following.*

### Signing-in

All Contractor/Supplier employees and/or sub-contractors are required to:

- Sign-in at Reception on arrival.
- Be inducted into the site (induction dependent on work being carried out).
- Ask for and accompany their *Our School* Representative.
- Sign-out on departure.

### Site Conditions

All Contractor/Suppliers are to ensure that work progresses in a tidy manner and waste is disposed of appropriately and safely. All slip, trip and fall Hazards should be removed to eliminate the risk of injury. This include the storage of materials and equipment taking into account of where these materials are to be used and the order of which they are required.

### Personal Protective Equipment

Contractor/Suppliers are to ensure that correct and relevant Personal Protective Equipment (PPE) is being used as required for the tasks they are carrying out.

### Electrical Equipment

Contractor/Suppliers are to ensure that all electrical equipment on site is of industrial standard, Residual Current Devices (RCD's) are being used with all equipment and that all items have a current test and tag fitted according to AS/NZS 3760:2010.

### Breach

Without limiting *Our School's* rights, if it is considered that a Contractor/Supplier is not meeting their health and safety requirements in accordance to this agreement and other relevant legislative and non-legislative materials, *Our School* will engage with the Contractor/Supplier to resolve any identified issues. Actions may include:

- A requirement of the Contractor/Supplier to immediately fix the breach;
- Removal of Contractor/Supplier Employees from Site;
- Withhold of payment due to the Contractor/Supplier until the breach is rectified; or
- Terminating the contract if the breach is deemed serious or regular breaches have occurred.