



Association of Construction
Health and Safety Management



Mangosuthu

University of Technology

UMLAZI - KWAZULU NATAL

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PRE-QUALIFICATION CRITERIA FOR CLIENT APPOINTED CONSTRUCTION HEALTH AND SAFETY AGENT

**DEVELOPED BY:
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Founding premise

Each member of the client, design and construction teams influences and contributes to occupational health and safety



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Legal definitions



- Agent – **competent** person who acts as representative of a client
- Client – any party for whom construction is being performed





Legal definitions



- Competent person – has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications specific to that work or task
- Scope of application - applicable to all persons involved in construction work





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Golden thread



Legal requirement to appoint various
competent parties who have the
resources needed



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Word of caution



- Potential of compromise of legal position of client(s)
- Statutory duty remains with client



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When may agent be appointed?



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Construction work permit

... the client must, without derogating from his or her health and safety responsibilities or liabilities, appoint a **competent person in writing as an agent** to act as his or her representative, and where such an appointment is made **the duties** that are imposed by these Regulations upon a client, **apply as far as reasonably practicable to the agent** so appointed





Notification of construction work

... the client may, without derogating from his or her health and safety responsibilities or liabilities, **appoint a competent person in writing as an agent** to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, **apply as far as reasonably practicable to the agent** so appointed ...





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Risk assessments

... have risk assessments performed by a **competent person** appointed in writing



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Roles and responsibility of agent

- **Management** of the health and safety on a construction project for the client
- Be registered with a statutory body approved by the Chief Inspector **as qualified to perform the required functions**
- An **understanding** of the construction production process as well as the H&S process and be able to marry those two
- **Advise** client relative to appointment of PC and other members of project team





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There are far too many construction H&S practitioners and consultants masquerading as knowledgeable experts who fail the test for competence as defined placing all parties including themselves at risk



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The competence test

- Formally certified by a professional body belonging to a specific profession by virtue of having **completed a required course of studies** and/or practice and whose **competence can usually be measured against an established set of standards**
- A person, who is a member of a professional body due to the **education qualification** and follows the prescribed moral and professional code of conduct





Minimum CHSA qualifications

At least an appreciation of:

- Procurement procedures
- Design methodology
- Construction methodology
- H&S legislation and management
- Interpersonal skills to communicate with all parties



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I think one of the things that incompetent construction H&S practitioners consistently struggle with is that they try to do health and safety as a 'yes/no' checklist element – that either you have it or you don't – and the reality is that effective construction safety and health demands much more



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How is competence to be assessed?

What must be assessed?



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Prequalification

- Process used to investigate and assess the capabilities of all appointees [CHSA's] to carry out a project satisfactorily if it is awarded to them
- Attempts to match CHSA and client expectations and raise the standard of construction health and safety performance over time
- Selection of a qualified CHSA provides confidence project goals will be met



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Purpose of prequalification

The purpose of pre-qualification in the health and safety sense is to provide a standardised method for selecting [CHSAs] on the basis of demonstrated safe work records, health and safety commitment and knowledge and the ability to work in a healthy and safe manner



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Benefits of prequalification

- Eliminates undesirable CHSAs who are unresponsive, irresponsible or incompetent, and encourages healthy competition among qualified CHSAs, minimizes risk while increasing client satisfaction and provides improved balance between price and performance choices
- CHSAs too may desire prequalification criteria because it eliminates competition from marginally qualified CHSAs
- Engenders the selection of health and safety conscious CHSAs





Assessment Criteria

Evidence of:

- Professional indemnity (PI) insurance
- General H&S policy statement
- Organizational structure:
 - Allocation of duties (H&S)
 - Delegation of responsibilities (H&S)
- Details of professional qualifications:
 - Built Environment
 - H&S
- Membership of organization(s) promoting H&S



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Assessment Criteria

Evidence of:

- Comprehensive and relevant references from previous clients – H&S specification preparation; management of PCs; H&S files, etc.
- Previous experience:
 - Type of contract / project
 - Duration
 - Value





Assessment Criteria

Evidence of:

- Details of H&S resource facilities:
 - H&S library
 - H&S Management Systems
 - Audit trail control mechanisms
 - Standard documents
 - Record keeping systems



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Assessment Criteria

Evidence of:

- Procedures for coordination of design H&S issues
- Procedures for involving design team in H&S management
- Approach to monitoring competencies of PC
- Example of H&S specifications
- Details of any previous involvement in litigation (H&S)
- Details of team to be involved in project



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Assessment Criteria

Evidence of:

- Previous regulatory violations
- Performance measurement, review processes and risk reduction practices
 - Leading and lagging indicators
- Quality and extensive training programs for staff
- H&S meetings
- Provision of personal protective equipment



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Key points

- Assessment of CHSA competence and resourcing is legal requirement
- Comprehensive and proactive assessment required
- Consider life-cycle approach
- Opportunity to promote improved H&S performance and competitive advantage





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No one will consult an underqualified medical doctor, why should clients appoint underqualified CHSAs with more severe negative outcomes?



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A FINAL WORD:

If clients really care about the work that they are paying for, they will evaluate the CHSA's ability to do the work



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THANK YOU

