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Dear Philippa

Health and Safety by Design

Thank you for the opportunity to provide feedback on the Worksafe *Work-related Health Strategy - Health and Safety by design*.

The Institution of Professional Engineers New Zealand (IPENZ) is the lead national professional body representing the engineering profession in New Zealand. It has approximately 17,000 Members, including a cross-section from engineering students, to practising engineers, to senior Members in positions of responsibility in business. IPENZ is non-aligned and seeks to contribute to the community in matters of national interest giving a learned view on important issues, independent of any commercial interest.

IPENZ's membership includes professional engineers, engineering technologists and engineering technicians who practice across 17 fields of engineering. As such, we have a significant role to play in promoting health and safety by design.

In relation to the strategy statement IPENZ would like to offer the following comments for your consideration:

General

We believe the document needs to strongly emphasise that health and safety by design is a joint responsibility shared by all people who are involved with a project. Design has traditionally been considered the preserve of engineers and architects i.e. those who practice design skills on a day to day basis. However, health and safety by design goes much wider than this and encompasses everyone who has a role and responsibility in regard to the “plant, structure or substance” being designed. Importantly, this includes the client who engages engineering professionals to undertake design work. They are part of the design process as it is their vision the engineer responds to. In some instances the client may not have a direct relationship with the designer. Nevertheless collaboration between the client and designer in undertaking health and safety by design is critical.

IPENZ is encouraged that Worksafe continues to emphasise the importance of health, particularly in this area where “safety by design” has been the commonly used phrase. Designers, along with other responsible parties, have much to offer in designing for health along with safety.

What does health and safety by design mean to Worksafe?

The concept that health and safety by design is a joint responsibility, as discussed above, and requires collaboration between all parties involved. This needs to be clearly articulated here.

Why is it important to us?

Apart from the obvious health and safety benefits articulated here, we believe that health and safety by design has wider economic benefits to PCBUs, communities and the nation. We suggest the national good of practising health and safety by design should be highlighted.

Who is involved?

We believe the critical role of the client – designer relationship needs to be emphasised. Both parties have an important role to play in delivering health and safety by design. The other parties specified each have roles to play but in most cases each will have a relationship, either directly or indirectly, with the client entity. In undertaking the design, input from the client regarding such things as intended purpose, functionality and cost will be important drivers. Collaboration between the client and designer will be critical.

How is health and safety by design applied?

In relation to “a capable team”, we believe greater emphasis should be placed on the use of a multi-disciplinary team, by beginning the paragraph with “Usually” rather than “Often”. This sends a clear message that health and safety by design is a collaborative effort. Furthermore, the best results will no doubt be achieved where the efforts of an interdisciplinary team are being facilitated by a trained “health and safety by design” practitioner.

In relation to documentation many of our members have questions about what good documentation looks like. We note overseas jurisdictions use terms such as design safety reports and safety files. However, no guidance exists in New Zealand on what documentation is required and its content. We suggest this is an area where Worksafe could provide some direction and IPENZ would be willing to assist.

What legal duties apply to those in H&S by design?

The responsibility to supply design information potentially much later in the lifecycle is seen as a potential problem for designers (refer to Section 39(5) of the Health and Safety at Work Act 2015). For example, consider a situation where an engineer designs a building that has a life of 75 – 100 years. Who has responsibility for ensuring that any relevant design information is available to those at the end of the lifecycle (such as those who will undertake the demolition and disposal of the structure)? In many cases the design PCBU may no longer exist. Furthermore changes may occur to the plant, structure or substance that the original designer may not be aware of. Therefore some party, the owner or regulator perhaps, needs to carry the ongoing responsibility for holding the information.

The Limitations Act 2010 and Building Act 2004 have long stop periods of 15 and 10 years respectively, after which liability is excused. However the Health and Safety at Work Act 2015 implies a significantly longer period of obligation in respect of providing relevant information.

What is Worksafe’s approach to those who design plant, substances or structures?

This section talks more about the parties who hold responsibilities for collaborative health and safety by design rather than what Worksafe’s approach will be. We

suggest this section be retitled “Who holds responsibility for health and safety by design”.

How will Worksafe engage with those working in health and safety by design?

We are encouraged by Worksafe’s commitment to work with designers to promote good practice in health and safety by design. IPENZ is a member of the Engineering Design Reference Group (EDRG), along with representatives from the Ministry of Business, Innovation and Employment; the New Zealand Institute of Architects; The New Zealand Registered Architects Board; the Structural Engineering Society; New Zealand Society for Earthquake Engineering and the New Zealand Geotechnical Society – the latter three being specialist technical societies. This group considers strategic issues impacting the building and construction design community.

An initiative of the EDRG, which was commenced earlier this year, was to re-draft the Safe Work Australia document *Approved Code of Practice Safe Design of Structures* to bring it into a New Zealand context. Permission was obtained from Safe Work Australia to use their document as a basis for ours. A new document *Design of Safe Structures* has been developed but not as yet finalised. It includes references to New Zealand’s Health and Safety at Work Act 2015, a number of additional delivery model diagrams (Appendix A – Roles and responsibilities), and some relevant case studies (Appendix C). A copy of the draft document is attached.

Although the document’s title relates to structures, its content is very general and we consider it could apply to all design activity. IPENZ would be interested in Worksafe’s view as to this being adopted as the basis for a general guidance document on health and safety by design. If this suggestion has appeal IPENZ would be happy to work with Worksafe to finalise this guidance.

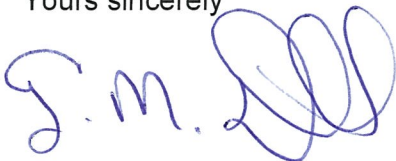
Conclusion

We appreciate the opportunity to make this submission and are able to provide further clarification if required.

For more information please contact:

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Yours sincerely



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