



PCBU Non-conformance Policy



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Non-conformance Policy	1.0	20/06/2019	H&S team

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1.0 Purpose & Scope

This Non-conformance Policy has been written to control all PCBUs that work in any South Port controlled operation and common user areas shall be used in the event of Health, Safety nonconformance by a PCBU and their employees. Examples include, but are not limited to, the following:

- Physical violence.
- Verbal abuse.
- Failing to report an incident stipulated under South Ports PCBU safety agreements.
- Wilful damage to Company plant and equipment.
- Release of hazardous substances into the site drainage system or atmosphere.
- Any act or omission which puts any person in imminent danger, whether an injury or damage results or not.
- Working without appropriate documentation – Risk Assessment systems
- South Port lead contractor Working without Permit to Work.
- Working outside of agreed risk assessments and method statements, job safety analysis (JSA) or the required permits without approval.
- Illegal disposal of hazardous waste.
- Lead contractor using an unapproved subcontractor to perform work for South Port.
- Illegal drug taking, possession of drugs or the consumption of alcohol on the premises.
- Noncompliance in the use of PPE outlined in the Common User Safety Protocol (CUSP).
- Any PCBU operating outside the Health and Safety at Work Act

South Port’s PCBU monitoring programme stipulated under South Port’s PCBU safety agreement shall be used. If an audit identifies any major failings South Port will act accordingly to rectify any deficiencies.

The nonconformance policy applies to all South Port employees managing or supervising PCBUs and, sub-PCBUs, agency workers and Port Users while working in South Port controlled commercial operations and common user areas.

2.0 Procedures and Responsibilities

3.1 Managers/Supervisors shall:

- Report any incidence of a breach of H&S environmental rules to the H&S Department, providing the information detailed in paragraph 4.3 below.
- Stop the PCBU from working until the H&S Department has deemed it safe for the work to continue if they believe that the breach of health, safety and environmental rules is significant enough to cause harm to employees (including the PCBU) or damage to the environment, South Ports equipment and infrastructure.

3.2 All employees shall:

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- Report any incidence of a breach of H&S and environmental rules to their line manager, providing the information detailed in paragraph 4.3 below.

3.3 The H&S Department shall:

- Maintain a HS&E nonconformance logged in South Port’s Vault system for future reference.
- Maintain and disperse the breach of any health & safety rules and reporting to South Port’s employees management team detailed in paragraph 4.3 below.
- Investigate all breaches of health and safety rules by PCBUs and maintain records.
- Issue and record nonconformance reports as detailed in paragraph 4.4 below.
- Attend discipline reviews and issue and record the minutes of such reviews as detailed in paragraphs 4.4 and 4.5 below.
- Write and record letters removing personnel site clearance and/or cancelling contracts as detailed in paragraph 4.4 and 4.5
- Stop the contractor from working until the H&S Department has deemed it safe for the work to continue if they believe that the breach of health, safety and environmental rules is significant enough to cause harm to employees (including the contractor) or damage to the environment, South Port’s equipment and infrastructure

4.0 Process

4.1 General

The PCBU nonconformance process shall be conducted in 5 stages and may be initiated by Managers/Supervisors or the H&S Department that has a concern regarding the safe working of any PCBU on site. The five stages are as follows:

- Initial Action
- Report Form
- Escalation
- Discipline Review
- Contract cancellation or ban from site.

4.2 Breach of Health & Safety Rules - Initial Action

Where a Manager/Supervisor or a H&S Team Member observes a breach of HSE rules they may take various actions depending upon the severity:

- Provide a reminder to the PCBU or individual
- Provide a reminder and add to the Vault system for future reference
- Issue a written warning
- Stop the work – request attendance of the PCBU, South Port’s Department Manager or the H&S Department if required
- Removal of the PCBU or individual from site

Where it’s considered appropriate to issue a formal warning to the individual involved such a warning must be given verbally and recorded in writing with copies being issued to the individual(s) concerned, and the Manager/Supervisor of the company involved.

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4.3 Breach of Health & Safety Rules & Investigation

A standard South Port Vault investigation will be launched detailing:

- Name of the PCBU or the individual involved (where applicable)
- Date and time of warning
- Basic details of warning
- Agreed corrective action
- Name and signature from the Director who directly controls the PCBU.

Note: Where a South Port Manager/Supervisor, or employee reports a health and safety issue involving a PCBU or their employee, South Port’s H&S Department or Managers/Supervisors shall investigate and if appropriate a warning shall be issued as above.

4.4 Health, Safety & Environment Nonconformance Report

On receipt of an HSE warning notification South Port’s Department manager or H&S Department shall assess the seriousness of the breach and where appropriate shall issue an HSE Nonconformance Report to the PCBU. The HSE Nonconformance Report can be downloaded from P drive:

[operational/health and safety/southport/H&S Nonconformance Report](#)

- Copies of the report shall also be sent to:
 - The PCBU, or the PCBU’s employee
 - Managers/Supervisors directly involved
 - South Port’s General Manager and CEO

Where an audit of a PCBUs activities has identified major failings in its H&S Safety agreements South Port’s Department manager or H&S Department shall issue an HSE Nonconformance Report. Copies of the report shall be distributed as detailed above.

4.5 Review and Escalation Protocol

A nonconformance review shall form the HSE Nonconformance Report notwithstanding the termination clauses outlined in the PCBU Safety agreements, the H&S Department shall hold a nonconformance report database and will advise whether further action is required in accordance with the following Protocol:

- Any report of gross misconduct could potentially result in any PCBU employee being banned from site, or a PCBU/Sub-PCBU losing its contract
- More than two HSE Nonconformance Reports for an individual within any twelve month period may result in a one month ban from working on any South Port site
- More than one, one month ban in any twelve month period may result in an individual being banned from working on any South Port site
- Where a PCBU or Sub-PCBU receives more than two HSE Nonconformance Reports about its HSE management arrangements within a twelve month period it will be called to a formal Nonconformance contract review
- Where a PCBU has three of its employees banned within a twelve month period it will be called to a formal Nonconformance contract review
- A PCBU called to more than one Nonconformance review in twelve months, or three in five years may lose its right to access any South Port operational areas
- The lead PCBU directly engaging with South Port is responsible for ensuring that it employs competent Sub-Contractors and shall therefore be responsible for the Nonconformance performance of Sub-Contractors it has specifically requested South Port’s approval for.

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Where a Sub-Contractor is requested to attend a Nonconformance review the relevant Lead PCBU shall be in attendance.

4.6 Non-conformance Reviews

The nonconformance reviews will be attended by the:

- South Port’s H&S Department representatives
- South Port’s General Manager
- South Port’s Department Managers
- Relevant PCBUs Senior Management representatives
- Where relevant, Sub-Contractor's Senior Management representatives

Following a Nonconformance Review the H&S Department shall issue Minutes and agreed actions. The H&S Department will write to the PCBU registering the Nonconformance Review against the contract and provide a copy of the Minutes and agreed actions.

In the case of a Sub-PCBU, South Port’s H&S Department shall send the written warning.

A right to appeal shall apply and such requests shall be submitted in writing to the Port General Manager. Appeals will be subject to review by H&S South Port’s Department or if appropriate the Port General Manager. The decision of this appeal team shall be final.

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SOUTH PORT NEW ZEALAND LIMITED		 South Port NZ
HEALTH & SAFETY		
Issue No.:	PCBU Nonconformance Report	Issue Date :

Non Conformance Report			
PCBU:	Departmental Representative:		
Contract Name:	Contract No:		
Contractor's Representative:	Telephone:		
Telephone:	Incident Date:		
Signature:	Date:	Signature:	Date:

#	Details of Non-Conformance

#	Incident Details

Comments

Conclusion

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