



PCBU Policy



DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee



Message from the CEO

To provide a safe workplace and respect the environment is a key objective of our Company.

It is the fundamental right of every person that comes onto our business premises each day to go home safely at night to their families.

The Port is a very busy place, therefore the only way we can achieve this objective is by the Port Company working collaboratively with all other interested parties – we need your support.

The South Port “Person Conducting a Business or Undertaking” (PCBU) Policy was developed to help us understand how this concept will apply to the relationships we have with our diverse range of partners.

We recognise the need to focus on continual improvement and to encourage a positive health and safety culture. To ensure this is achieved occupational health and safety is actively promoted throughout the organisation through the provision of information, training, instruction and supervision.

South Port operates a ‘low blame’ culture whereby PCBUs and their workers are openly encouraged to report hazards and incidents, including near misses, without fear of reprisal to ensure the root causes of accidents are identified, thus enabling measures to be put in place to eliminate recurrence and for the information to be shared.

Please take the time to understand your responsibility for achieving a culture of zero harm at the Port and we thank you in advance for your assistance in helping to ensure we make the working environment here at South Port as safe as we can for all parties using our facilities.

Nigel Gear
South Port NZ Chief Executive

Chief Executive:

Nigel Gear

Signature:



DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

Contents	Page
Message from the CEO	2
1.0 Introduction	4
1.1 Health and Safety at Work Act	4
1.2 Person Conducting a Business or Undertaking (PCBU)	4
1.3 Workers	4
1.4 Primary Duty of Care	4
1.5 Overlapping Duties	5
2.0 South Port’s Health and Safety Common Users Protocol (CUSP)	5
2.1 Application	5
2.2 Audit	5
2.3 Compliance	5
3.0 Scope and Objectives	6
4.0 Purpose of Policy	7
5.0 PCBU Relationships and Responsibilities	7
6.0 Responsibilities RACI Matrix	7
7.0 Appendix	9
7.1 Chart 1 – PCBU Relationships and Responsibilities Definitions	10
7.2 Relationships and Responsibilities Definitions	10
7.3 Chart 2 – RACI Descriptors	13
7.4 Chart 3 – PCBU Responsibilities	13
7.5 Chart 4 - RACI Key	13

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

1.0 Introduction

1.1 Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (HSWA) is New Zealand's workplace health and safety law. The HSWA recognises that a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers. In particular, the HSWA aims to improve workplace health and safety by placing an explicit duty on 'Person Conducting a Business or Undertaking' (PCBU) to cooperate, coordinate and consult with others in the workplace. This approach can be a more effective way to meet our duties with the ultimate goal of ensuring everyone returns home safe at the end of the day.

1.2 Person Conducting a Business or Undertaking (PCBU)

A PCBU is a broad concept used throughout the HSWA to describe all types of modern working arrangements, which is commonly referred to as 'businesses'.

Most New Zealand businesses, whether large corporates; small or medium enterprises, are classified as PCBUs.

The difference between a business and an undertaking is:

- **Businesses** are usually conducted with a view to making a profit and have a degree of organisation, systems and continuity.
- **Undertaking** will have elements of organisation, systems, and possible continuity, but are usually not profit-making or commercial in nature.

The duties of a PCBU are all associated with the carrying out of work. The definition of a '**workplace**' is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. The definition of a '**worker**' is a person who carries out work in any capacity for a person conducting a business or undertaking.

1.3 Workers

Workers must take reasonable care for their own health and safety and ensure that their actions do not adversely affect the health and safety of others. They must also follow any reasonable health and safety instruction given to them by the business and cooperate with any reasonable business policy or procedure relating to health and safety in the workplace.

Other people who come into the workplace, such as visitors or customers, also have some health and safety duties to ensure that their actions do not adversely affect the health and safety of others.

1.4 Primary Duty of Care

All PCBU's 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'.

This means ensuring, so far as is reasonably practicable:

- the health and safety of workers who work for the PCBU (eg employees or contractors, including their subcontractors or workers) while they are at work in the business or undertaking

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

- that other persons are not put at risk by the work of the business or undertaking (eg a visitor to the workplace, or members of the public who could be affected by a work activity)
- Workers need to comply with reasonable instructions from the PCBU and cooperate with policies and procedures.

1.5 Overlapping Duties

Businesses have duties to all workers and others affected by their work - not just those they directly employ or engage. By consulting with each other, South Port can avoid unnecessary duplication of effort. Consultation helps prevent any gaps in managing work health and safety risks. It will also help businesses reach a common understanding and establish clear roles, responsibilities and actions. In situations where there are multiple PCBUs with overlapping health and safety duties in a workplace, the HSWA requires all PCBUs so far as is reasonably practicable, to consult, cooperate with, and coordinate activities with other PCBUs where their duties overlap. PCBUs cannot contract out of their duties but can enter reasonable agreements with other PCBUs to meet their duties.

2.0 South Port’s Common User Safety Protocols (CUSP)

The requirement of this CUSP system is based on South Port’s intent to manage risk, comply with legislation, meet industry good practice (where identified) and other external standards and requirements. The CUSP covers but is not limited to:

- Access to Sites;
- Safety Forums;
- Emergency Procedures;
- Drugs and Alcohol;
- Vehicle and Traffic Management;
- Hazardous Substance Management;
- Reporting Incidents;
- Permit to work systems.

2.1 Application

This CUSP applies to all PCBUs and workers who enter South Port's operational areas and common users sites to perform work related duties. Areas include, but are not limited to, container yard, wharves, berths, syncrolift, weighbridge/trailer gantry sites and South Port's roadways. Please refer to site maps in this document.

2.2 Audit

A review/audit may be conducted against each PCBU. This review will be conducted under the direction of South Port’s Management alongside consultation with the Health and Safety Team.

2.3 Compliance

In formulating the CUSP, South Port has consulted with the majority of Port Users and has received a great deal of cooperation and support. South Port looks forward to the continued support of all Port Users in continuously improving the effectiveness of the CUSP. It is anticipated that there will be situations where a Port User or

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

Title: PCBU Policy6 of 12

visitor fails to comply with the requirements or guidance within the CUSP or the instruction provided by responsible people in the execution of these requirements or guidance.

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

3.0 Scope and Objectives

1. South Port wants PCBUs to think about health and safety in its broadest sense, and clearly understand the health and safety environment that we work in. This means thinking about more than immediate work tasks that are outlined in the CUSP. South Port expect PCBUs to be able to explain the steps they have taken to consult, cooperate and coordinate with other PCBUs, and their arrangements to control and mitigate risks.
2. The rules and requirements set out in the CUSP are the standard requirements that apply to all PCBUs. The CUSP is expected to be supported by all PCBUs own systems, procedures, cultures and expectations.
3. All PCBUs must control any overlapping activities and risks by consulting, cooperating and coordinating with other associated PCBUs. The nature of control will reflect how much influence and control the PCBU has, and what is reasonably practicable in the circumstances. South Port expects that arrangements, including monitoring arrangements, will be sensible and proportionate.
4. South Port expects that all PCBUs must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
5. A PCBU may be liable under the Health and Safety at Work Act 2015 (HSWA) if it exposes a worker or other person to a risk to their health and safety and the risk arose from work carried out as part of the conduct of the business or undertaking.
6. We expect all PCBUs at the top of a contracting chain to be a leader in encouraging and promoting good health and safety practices throughout the chain and conforming to the CUSP.
7. South Port also expects all PCBUs to use sound contractor management processes. Processes include, but are not limited to, choosing competent third-party contractors, exchanging information, planning and monitoring carefully, undertaking post-contract reviews and working within accordance of the CUSP.
8. South Port Users Forum exists to assist PCBUs operating on the Port consult and coordinate with one another on health and safety issues, key initiatives, resolution of issues and changes or improvements in how the PCBUs are operating together in the common operational areas.
9. All PCBUs shell agree with South Port's Health and Safety requirements outlined in the PCBU safety agreements. The agreements will ensure that the HSWA with will be met by consulting, cooperating and coordinating with managing risks on site.

4.0 Purpose

This policy describes the outcome of the PCBU relationship review and explains the three PCBU groups and their corresponding relationship influence levels that the Company may have with our business partners. This policy is supported by documents which detail South Port's defined responsibilities for health and safety oversight for each of the three PCBU relationship levels. These reflect South Port's ability to influence or control health and safety matters in relationships of that type and outlines the framework that South Port will use for consultation, cooperation and coordination with those business partners. In doing so South Port's

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

Directors and Officers possess the necessary mechanism to discharge their due diligence obligation imposed upon them under the Health and Safety at Work Act 2015.

5.0 PCBU Relationships and Responsibilities

The PCBU relationship review resulted in the description of six different relationship levels from the three PCBU groups associated with South Port's business partners. The joint obligations set upon PCBUs to consult, cooperate and coordinate can be beneficial to all PCBUs involved. The PCBU Relationships and Responsibilities definitions assign each PCBUs group into their specific classification.

6.0 Responsibilities RACI Matrix

The PCBU relationship levels are described in Chart 1. South Port's health and safety responsibilities for each of these classifications are explained in South Port's PCBU Procedures document.

South Port's approach to the PCBU framework is to use the RACI matrix which is an acronym that stands for responsible, accountable, consulted and informed. RACI defines our level of engagement in the health and safety obligations with our business partners. The RACI descriptors are included in Chart 2.

The defined PCBU relationship levels are included in Chart 3.

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

7.0 Appendix

7.1 Chart 1 – PCBU Relationships and Responsibilities

PCBU Relationship	South Port Responsibilities
Service Provider	
High degree of influence	<p>South Port has a high degree of influence over the Service Provider activities and is invested in the control of these activities.</p> <p>South Port shall provide leadership, active monitoring and verification of the Service Provider. South Port will take an active engagement to satisfy itself that applicable actions are being taken to meet health and safety obligations on South Port’s worksites. For workers of our business partners, the primary health and safety obligations remain with the partner.</p>
Low degree of influence	<p>South Port has a low degree of influence over the Service Provider activities. South Port will monitor and support these activities.</p> <p>The Service Provider obligation is to conform to South Port’s Common Users Safety Protocol (CUSP) requirements. Third party businesses will coordinate with the lead contractor on what systems or protocols will be implemented and how they will be implemented to control risks. For workers of business partners, the primary health and safety obligations remain with the partner.</p>
Tenant	
<p>Tenants are independent businesses (with their own PCBU responsibilities) where South Port has a direct involvement in the operation of the business. South Port leases assets or offers a licence to operate to these businesses. These businesses may operate in common user or South Port operational areas.</p>	
Port User	
High degree of influence	<p>South Port has a high degree of influence over the Port User activities and is informed of the control of these activities.</p> <p>These Port Users are independent businesses where South Port has an engagement in the activity of the business. South Port gives port access to operate to these businesses and may provide plant and equipment.</p>
Low degree of influence	<p>South Port has a low degree of influence over the Port User activities and is interested in the control of these activities.</p> <p>These Port Users are independent businesses where South Port has an interest in the activity of the business. South Port gives port access to operate to these businesses.</p>

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

7.2 Definitions

Service Provider:

A Service Provider is a business that provides a service direct or indirect to South Port. This includes contractors and other service providers such as suppliers, auditors, MPI, Customs etc. It also includes sub-contractors engaged by a lead contractor.

Tenant:

A Tenant is a business that leases or holds a license to operate on land, infrastructure and buildings owned by South Port.

Port User:

A Port User is a business that utilises South Port's common area facilities to conduct their operations. This includes third parties such as contractors of Tenants, transport companies, port visitors and others such as customers. A Port User may also lease or hire plant and equipment from South Port.

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

7.3 Chart 2 - RACI Descriptors

Descriptors		Responsibility	What has to be done by South Port?
R	Responsible The doer	Position responsible for ensuring the activity is completed and effective.	Provide advice and direction for the implementation of tools and processes to meet health and safety obligations.
A	Accountable The buck stops here	Position with the decision making authority.	Answerable for the effectiveness of an operational risk management system and the application and administration of the tools and processes required to meet health and safety requirements.
C	Consulted In the loop	Position involved in conducting regular compliance evaluations to provide assurance that HSMS obligations are met. Position consulted prior to the decision or action affecting work on South Port's workplace being taken.	Check the accuracy and adherence of the Health and Safety Management System (HSMS) performance by conducting regular compliance evaluations.
I	Informed Keep in the picture	Position that needs to know/enquire as to whether a decision or action has been taken.	Receive information in the form of regular reports and to be kept informed that a decision or action has been taken.
N/A	Not Applicable Told	Position that has been informed and is satisfied that HSMS obligations are met.	Be given details of the effectiveness of HSMS Management at the start of a relationship, or at any point where further information is requested.

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee

7.4 Chart 3 - PCBU Responsibilities

PCBU Relationships		Activities													
		Health and Safety Management Systems (HSMS)		Incident Management		Training		Equipment Management		Action items resulting from Assurance reviews / Audit		HSMS Instructions/ Advice		CUSP	
		SP	Partner	SP	Partner	SP	Partner	SP	Partner	SP	Partner	SP	Partner	SP	Partner
Service Provider	High influence	C	A	R	A	I	A	C	A	R	A	I	A	R	A
	Low influence	I	A	I	A	N/A	A	N/A	A	N/A	A	N/A	A	R	A
Tenant	High influence	C	A	R	A	C	A	I	A	C	A	C	A	R	A
				I				C							
Port User	High influence	A	A	C	A	I	A	I	A	I	A	N/A	A	R	A
	Low influence	I	A	I	A	N/A	A	N/A	A	N/A	A	N/A	A	R	A

7.5 Chart 4 - RACI Key

R	Responsible
A	Accountable
C	Consulted
I	Informed
N/A	Not Applicable

DOCUMENT / REFERENCE	VERSION	ISSUE DATE	PERSON RESPONSIBLE
SPNZ PCBU Policy	1.0	02/10/18	PCBU Committee