Presenters

Josh Maxwell,
Head of HSE, Growthbuilt

Lucy Bochenek,
Special Counsel, Clyde & Co

Josh has spent his career in various high risk industries with extensive experience in HSE across Government (Law Enforcement), Aviation, Maritime Logistics, Heavy Rail, Security and Telecommunications Construction. He leads a team of committed HSE professionals and works with clients and delivery partners to develop strategies to minimise safety and environmental risks for all stakeholders.

Lucy is a senior workplace health and safety lawyer with experience across a wide range of industries, and is uniquely placed to provide holistic advice to clients on all aspects of work health and safety law. Lucy advises in respect to a wide range of strategic, regulatory and risk management issues.

She is involved in incident management and investigation, drafting health and safety policies and compliance manuals, drafting contractual clauses, delivering regular training sessions and conducting compliance audits and analyses. Lucy's focus is on providing practical and commercial advice to clients.
“From a CEO’s perspective, having a culture that allows people to report all hazards and incidents to the site leadership team without fear of repercussions is paramount. As a principal contractor, we must know what is happening that puts our people, including contractors, at risk and importantly what we all need to do to eliminate or mitigate the risk.” Peter Sukkar CEO OHS Professional Magazine September 2018 https://issuu.com/safetyinstitute/docs/ohsonlinesept_-_final/18
WHY Migrate to AS NZ ISO 45001?


“It will mean easier, faster and reduced costs to implement for those organisations who have already successfully implemented ISO management system standards (MSS), for example, ISO 9001:2015 and ISO14001:2015, according to Roland Tan, FSIA, ChOHSP, the SIA’s representative in the SF- 001 committee within Standards Australia.

“It also facilitates the implementation of an integrated management system (quality, environmental, business continuity and other MSS) where the Annex SL directive applies. This directive is a high-level structure established by the ISO where identical core text and common terms and definitions are required of MSS published by the ISO,” explained Tan, who is also an assessor for the SIA’s certification program.

“It also provides an opportunity to benchmark with global best practice in managing OHS risks and initiate opportunities to improve OHS performance.”
WHY Migrate to AS NZ ISO 45001 – Growthbuilt rationale

Growthbuilt were originally certified to AS NZ 4801 and OHSAS 18001 (along with ISO 9001 and 14001) in 2008 and has continually strived to improve our systems to ensure compliance with relevant standards. It is our experience that the majority of clients now expect construction companies to be certified to appropriate standards.

The evaluation of a company’s approach to health and safety, quality and environmental management is a key component in assessing tenders, specifically, the ability of the prospective principal contractor to:

A. provide a safe workplace
B. a healthy workplace for all workers and interested parties
C. a sound approach to managing environmental risks
D. a quality ethos for the end-to-end delivery of projects.

With the advent of AS NZ ISO 45001, early in 2018 a decision was made that Growthbuilt should migrate to the new standard to ensure our integrated management system (IMS) was benchmarked against the global standards.

The Growthbuilt HSE Strategic Plan 2018 to 2020 was developed in 2018 to align with ISO 45001 with the centrepiece being our Safety Continuum.

As outlined the SIA article there are subtle changes between AS NZ 4801 / OHSAS 18001 and ISO 45001. Specifically, as these changes related to Growthbuilt, we needed to ensure participation not just consultation (worker and interested parties) was included in the new IMS and we had the ability to evaluate compliance with legal requirements and provide evidence of that.
Leadership
- Knowing our business (Accountability, Governance, Communication)
- Understanding, knowing and managing our risks (Acquire, Disseminate, Maintain)
- Proactive HSE / Leading Change (Consult, Co-Operate, Co-ordinate)

Planning
- Knowing our operations (Clients, Workers, Contractors, Community and Environment)
- Understanding the impact of our projects (Preparedness, Risks, Mitigation)
- Safety in Design (Design Impact Assessment and Review)

Continuous Improvement & Verification
- SMS Oversight (Audits, Reporting, Personal Commitment)
- Safe Standards (Site Leadership Observations)
- Investigate Success (What went right? After Action Learning)

Legal Compliance
- Due Diligence (Due Diligence Framework)
- Legal Audit and Review (Independent Legal Review)
- Executive HSE Review (Complying with Duties and Obligations)

Support
- Appropriate resources (Human, Capital, Physical, Plant)
- Appropriate processes (Systems, Policies, Procedures, Training)
- Appropriate processes, processes are implemented (Integrated IMS, Safety Impact Assessment)

Operations
- Monitoring (Reporting, Review and Response)
- Goals and Priorities (Relevant, Measurable, Timely, Cost Effective)
- Audit and Inspection (External, Independent, Internal)

GROWTHBUILT

Safety Continuum
Our HSE Journey

- 2008: AS 4801, OHSAS 18001, ISO 9001 and ISO 14001 reaccreditation achieved
- 2013: Elvis Coelho appointed HSE Manager
- 2014: MBA Safety Award – Devonshire Holt
- 2015: Strategic Whole-of-Business Review by EY – recommendations safety improvement
- 2016: Scott Daman appointed HSE Coordinator
- 2017: Head of HSE position established
- 2017: Commence engagement program with SafeWork NSW – Inspector Stephen Maher engaged to work with Growthbuilt HSE
- 2018: STEM Program developed and launched
- 2018: GB Induct technology deployed
- 2018: AS 4801, OHSAS 18001, ISO 9001 and ISO 14001 reaccreditation achieved
- 2018: Josh Maxwell appointed Head of HSE
- 2018: Site Safety Leadership Program established
- 2018: Joined SafeWork NSW “Safety Starts with you” program
- 2018: Became Gold Member – Safety Institute of Australia
- 2018: Growthbuilt Construction specific Cert IV WHS course delivered
- 2018: Mental Health Action Plan developed
- 2018: HSE Quarterly Executive Review constituted
- 2019: ISO 45001 Achieved
- 2018: HSE Strategic Plan 2018 – 2020 and Safety Continuum developed
- 2018: HSE Due Diligence framework developed
- 2018: Exercise Colpet – Major Emergency Exercise held T Avon Project
- 2018: CMS activated for sub-contractor due diligence HSE assessment
- 2018: Cadet training program developed
- 2018: Inaugural Growthbuilt Safety Forum
- 2018: HSE Participative Leadership Committee constituted
Stages of Implementation

1. March 2018 – migration to ISO 9001:2015 and ISO 14001:2015 and were re-certified to AS 4801 and OHSAS 18001. Initial discussion with accreditation auditor relating to ISO 45001. Agreed to a Gap Analysis.

2. September 2018 – Gap Analysis audit – 240 individual audit criteria - Growthbuilt results
   - 228 areas of compliance
   - 6 opportunities for improvement
   - 6 areas not compliant to ISO 45001

3. October to December 2018 – Close out all 12 issues from audit.

4. November and December 2018 – Legal Compliance Audit – Clyde & Co
   - Clyde Comply tool – Self Assessment
   - Clyde Comply tool – Independent assessment – Clyde & Co.

5. January 2019 – Four (4) day migration audit (including site inspections).

Accreditation achieved 28th January 2019
OFI’s – Gap Analysis

1. “Interested Parties” to be included in the IMS Manual – The Growthbuilt Way, this includes their needs and requirements from an OHS perspective – Section 4.2 of the standard refers – Understanding the needs and expectations of interest parties.

2. Top Management (Leadership) must take overall responsibility and accountability for the prevention of work-related injury and ill health, as well as the provision of safe and healthy workplaces and activities – Evidence to be provided of engagement in all OHS activities, including the ISO 45001 transition audit – Section 5.1 – Leadership

3. IMS Policy to be updated to reflect ISO 45001:2018 – Section 5.2 of the standard refers – OHS Policy

4. IMS Manual to be updated to reflect the development of the newly formed HSE Participative Leadership Committee – Section 5.4 of the standard refers – Consultation and Participation of workers - How does the organisation ensure workers consult and participate in the development, planning, implementation.

5. GB Head Office to strengthen its office visitor induction process and procedure 12.16 – Section 8.2 of the standard refers - Emergency Preparedness and Response.

6. 2018 Management review meeting (December 2018) to include the results of this audit – Section 9.3 of the standard refers Management Review.
Areas of Non Compliance

1. IMS Policy to be updated to ensure participation of workers in all HSE matters is included – Section 5.2 of the Standard refers – OHS Policy

2. 2 - 6. refers to the requirement for Growthbuilt to ensure we evaluate our compliance with legal requirements – Section 9.1.2 Evaluation of Compliance of the standard refers – Has the organisation established, implemented and maintained a process(es) for evaluating compliance with legal requirements and other requirements?

N.B. - Whilst Growthbuilt had a compliant legal register, which was reviewed at least annually, we had not previously establish a process to evaluate our compliance with applicable legal requirements. To ensure Growthbuilt could close out these issues, the policy was reviewed and updated. In terms of the legal issues, Growthbuilt engaged Clyde & Co to undertake a legal compliance audit, using its Clyde Comply audit tool.

This legal audit tool maps each of the section of the WHS Act and Regulations in five (5) key areas:
1. Leadership and Governance
2. System Design
3. Human Factors
4. Systems and Tools
5. Resilience

This legal audit process was key in the success of Growthbuilt’s migration to 45001.
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- **Clyde Comply**
  - Leadership & Governance
  - Resilience
  - System Design
  - Systems & Tools
  - Human Factors
Why ClydeComply?

The ClydeComply Audit Tool provides audit criteria against each of the core requirements of:
- Work Health and Safety Act
- Work Health and Safety Regulation

Why undertake a WHS legal compliance audit?
- PCBUs have obligations under the WHS Act and WHS Regulation and face substantial penalties
- Due diligence duty on ‘officers’ (section 27 of the WHS Act) requires legal compliance

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What is ClydeComply?

**Leadership & Governance**
- Organisation
- Officers
- Managers /Supervisors
- Workers

**System Design**
- Workplace (facilities)
  - Design
  - Process
  - Procurement
  - Plant
  - Substances

**Human Factors**
- Workers
- Contractors
- Partners (e.g. other agencies)
- Clients
- Suppliers

**Systems & Tools**
- Risk Management and Critical Risk Assessment and Control
- Consultation and communication
  - Training
  - Supervision
- Reward and recognition
- Auditing

**Resilience**
- Incident / Emergency Response and notification
  - Incident investigation
  - Performance assessment
  - Improvement
ClydeComply Grading system

The grading system for the Clyde Comply Audit Tool adopts a traffic light system as demonstrated below:

- **A grade of “B” or “C” has been awarded to a ClydeComply Audit Tool audit criteria in a standard which has been identified as critical.**
- **Or a grade of “C” has been awarded to a ClydeComply Audit Tool audit criteria in a standard which has not been identified as critical.**
- Resources must be allocated as a matter of immediate priority to close the legal compliance gap.

- **A grade of “B” has been awarded to a ClydeComply Audit Tool audit criteria in a standard which has not been identified as critical.**
- Resources must be allocated to close the legal compliance gap.

- **A grade of “A” has been awarded to each ClydeComply Audit Tool audit criteria. Evidence of full legal compliance with the standard of the ClydeComply Audit Tool checklist has been found.**
Summary

For my OHS colleagues, I would recommend:
1. Read the standard and map the standard against your current management system.
2. Engage an external party to conduct a gap analysis of your system.
3. Review any non conformances or opportunities for improvement and implement strategies to improve your system and processes.
4. If possible, engage a legal firm to conduct a legal compliance audit (also a requirement of your due diligence compliance – kill two birds with one stone)
5. Ensure you have strategies for all workers and interested parties to participate in all things OHS.

For organisations, the benefit of having a robust and mature OHS management system will have the outcomes of:
1. Engagement of the entire workforce in developing your safety culture
2. Having the workforce “own” safety
3. Provide comfort to your clients / customers that you take safety seriously
4. You are committed to continually improving your enterprise.

The process for Growthbuilt provided an excellent education process for all our teams that were involved in the migration to 45001.