

Practice note

National programmes: Tree felling

Purpose

1. The purpose of this practice note is to provide guidance and set the scene relating to WorkSafe New Zealand's activity around tree felling operations, as part of the Safer Forestry Harvesting national programme. It is intended to guide and support WorkSafe NZ inspectors when they are assessing workplace safety compliance in the forestry industry, and making enforcement decisions.
2. The practice note clarifies how inspectors can operate in a nationally consistent and targeted manner, and gather intelligence. The inspectors will assess whether the forestry industry is meeting WorkSafe NZ's practice expectations for tree felling as set out in external guidance to duty holders.

Scope

3. This practice note specifically relates to tree felling operations in the forestry sector. The associated tree felling assessment tool is targeted at the seven key causes of harm during tree felling operations associated with forest harvesting:
 - Hung up trees
 - Poor felling technique
 - Stem movement or rebound
 - Broken limbs or top
 - Working too close
 - Falling dead trees
 - Struck from behind

Key messages

- Inspectors must use the tree felling assessment tool form for each site visit.

- Assessment Managers are to ensure that the form is completed appropriately with sufficient information to allow data to be gathered to inform WorkSafe NZ's work.
- The tool will prompt inspectors to ask questions directed at the key harms.
- Inspectors will focus on the issues prompted by the form, but not overlook other compliance issues.
- Details of visits must be recorded in the inspectors' notebooks, including non-compliance issues and how they were determined. Some information gathered in the assessment form will have to be expanded on in the notebooks and further summarised in Guardian.
- Inspectors should explore underlying reasons for non-compliance. By addressing systematic failures we increase our impact on harm prevention.
- Inspectors must follow WorkSafe NZ's enforcement policy (see Appendix B).

Background

4. The Forestry Harm Reduction Project (tree felling and breaking-out/cable harvesting) forms part of the Safer Forestry Harvesting national programme of work, within the National Action Agenda.
5. The Project is focused on the areas where the most forestry fatalities and serious harm consistently occur. Research shows a variety of factors contribute to the high rate of casualties and fatalities in tree felling including poor management, complacency and fatigue. Strategies to raise safety practice include education and enforcement.
6. The tree felling practice note and assessment tool support WorkSafe NZ's goal to ensure best practice during tree felling operations. This fits with WorkSafe NZ's principles which aim to target serious risk and harm, and clearly communicate consistent standards.
7. An Approved Code of Practice for Safety and Health in Forest was released in December 2012. This outlines generally accepted and preferred work practices.

Operating guidance

8. The tree felling assessment tool (see Appendix A for supporting guidance) has been developed to help ensure consistent national practice.
9. The tool is not an exhaustive list of questions as it focuses on the identified key harms in tree felling. It should be used as a guide for the assessment by providing prompts, but it does not limit the inspector from addressing additional issues. For instance inspectors must not ignore other significant hazards, especially if they are likely to cause serious harm.
10. The Inspector should use their discretion and judgement when exploring each focus topic to ensure they have sufficiently confirmed whether the client is compliant. The reasoning behind the inspector's conclusion must be recorded in their notebook for quality assurance.
11. Inspectors must explore the reasons for any non-compliance and if possible address the causes to avoid repeats. This may require talking to the crew to build a more complete

picture before choosing an enforcement action. Don't be satisfied the issue was a simple 'mistake', but consider why the mistake happened and what could be done to prevent them reoccurring.

12. If duty holders are not using the controls provided by the ACOP, the onus is on them to prove to the Inspector that they are achieving the same or a better level of safety. Do not treat their alternative actions as compliant if they are not convincing. Consider enforcement action if more could be done to ensure safety. If an Inspector is unsure, they should continue their enquiries to achieve certainty.

Enforcement decisions (also see Appendix B)

13. It is important that inspectors keep in mind that forestry safety is a key area of WorkSafe NZ's work programme, given the forestry industry's poor safety performance and unacceptable number of associated fatalities. This is despite the high level of education and engagement provided by the regulator to the industry.
14. The range of compliance/enforcement tools are described in the "Keeping Work Safe" document. However due to the high level of education, engagement and enforcement action to date WorksafeNZ has decided that for this project negotiated agreements must not be used. Enforcement advice in draft form (as of January 2014) can also be found in Appendix B.
15. Although this project focuses on the seven areas of harm, Inspectors must not ignore obvious compliance issues encountered. Enforcement decisions must be able to withstand scrutiny, including internal review and audit processes. Inspectors must ensure they have sufficient evidence to fully explain their decisions.
16. Whenever WorkSafe NZ discovers any practice or dangerous conditions with a likelihood of serious harm its Inspectors will immediately prohibit the relevant activity so safety issues can be addressed. Activity will be allowed to resume once an effective control has been implemented.

Guidelines

17. Inspectors can refer to WorkSafe NZ's expectations with regards to safe tree felling in the Guide to Safe Manual Tree Felling, the ACoP for Safety and Health in Forest Operations (2012), and the Health and Safety in Employment Act 1992.

Intelligence gathering

18. After each visit the Inspector's Assessment Manager must scan and email the completed assessment form to harm.reduction@worksafe.govt.nz so relevant information can be captured for analysis.. This is essential to monitor the progress, quality, and effectiveness of

this project, in line with the Business Management System. A copy of the file should be attached to Guardian.

Quality of Records

19. Full and accurate records of assessments must be made to enable the development of
 - the contractor master list,
 - accurate reports on the number of assessments and enforcement actions taken,
 - analysis of areas of non-compliance to inform our future focus areas.
20. During the implementation phase of the Assessment Tool, clear expectations relating to record keeping will be made available to inspectors.
21. Assessment Managers will assess 25% of records against these expectations, and Chief Inspectors will assess 10% of records against these expectations. They will also be responsible for ensuring that any missing or incorrect information is corrected in a timely manner.
22. The National Programme team will monitor the totality of the records, with the support of the Operational Intelligence team and the Practice Support and Quality team, and report back to Assessment teams on a regular basis until the end of June 2014. They will feedback on both the fullness and accuracy of records, and information regarding areas of non-compliance across the industry based on the issues identified by inspectors. This will facilitate mutual exchange of information between the national programme team and the assessment teams, and therefore a shared understanding of the issues.

Appendix A: Guide to the Tree Felling Assessment Tool

Documented Safety Management System

Question 1. Commercial forestry work must be notified to WorkSafe NZ. Failure to do so should trigger enforcement action. Contractors must establish that they have met their obligation to notify WorkSafe of the work, or at least be able to establish that the principals have notified this work on their behalf.

Question 2. A document stating that the principal has approved the hazard management system the contractor will be using should be on site and signed by the principal and contractor. This document may come in various formats e.g. a letter of approval or a statement on the “Harvest Prescription”. The obligation is on the principal so any failure should be followed up with the principal.

Question 3. The contractor should provide evidence that the principal is monitoring the effectiveness of the hazard management system. This may take the form of auditing by the principal. The obligation is on the principal so any failure should be followed up with the principal.

Question 4. The contractor should provide evidence that the principal has identified significant hazards specific to each work area. This document may come in various formats. A ‘Harvest Prescription’ document is the most likely long term solution. It should include maps identifying areas of exceptionally high risk or hazards which will ultimately contribute to the management of areas. Additional high-risk areas can be identified after this initial agreement is signed. All new hazards must be managed. The obligation is on the principal so any failure should be followed up with the principal.

Questions 5, 5a-5f. The absence of documented systems in itself in relation to these factors in isolation will most likely not meet the criteria for a prohibition notice. However for any element (or several in combination) where the lack of documentation reflects a lack of well understood and well operating systems and processes to manage the hazard, and that absence in combination with the activities on the site is creating a likelihood of serious harm, prohibiting tree felling should be considered.

Question 5a. The contractor should provide documented evidence showing how the hazards associated with working alone will be effectively controlled. This includes the communication system, the regular check-in process and the emergency response procedure which shall be followed in the event of an accident or failure by the tree feller to check in. If the inspector does not believe assistance can be provided to the tree feller in a timely manner the inspector should consider prohibiting the tree feller from working alone.

Question 5b. The contractor will provide documented evidence that the hazards associated with a hung up or cut up tree are controlled effectively. This evidence will include reference to the ACOP rule 11.6.1 and the availability of a competent person to assist the tree faller when this is required.

Question 5c. The contractor will provide documented evidence that the hazards associated with tree driving are controlled effectively. This evidence will include reference to the ACOP rule 11.7 and the availability of a **competent person** to assist the tree faller when this is required. Specific reference will be made to the requirement of tree faller to notify the person available to them that they intend to drive a tree and that the tree faller must consider all options before deciding to drive trees.

(ACoP Appendix : Definitions - **Competent person:** a person who can consistently demonstrate the skill and knowledge derived from experience and/or training for the type of work in which the person is employed and the approved code the person is required to work under.)

Question 5d. The contractor will provide documented evidence that tree felling will stop in the event that a one on to two tree drive is unsuccessful. This evidence will include reference to the ACOP rule 11.7.4 and that a **competent person** will assist the tree faller with planning the management of this hazard. Specific reference will be made to the option of using machinery to assist if this is practical in the circumstances.

Question 5e. The contractor will provide documented evidence that the hazards associated with extreme weather are controlled effectively. This evidence will include reference to the ACoP rule 2.8.2 with specific reference to the assessment of strong winds, heavy rain and snow. Each weather condition will have assessment guidelines e.g. the use of a wind meter or wind guidance document. Where the tree faller cannot see the head of the tree being felled due to heavy rain or snow tree felling operations shall stop.

Question 5f. The contractor will provide documented evidence that the safety zone two tree length rule is communicated clearly and effectively to all affected parties. This evidence will include reference to the ACOP rule 11.4. This may take the form of a written statement or policy document. The contractor must show that the two tree length rule is reassessed regularly to reflect the dynamic nature of forest harvesting operation and how situations can change.

Question 6 & 9. The qualifications of the tree faller must be produced. You should sight records of learning.

Where the tree faller is NOT qualified to 17765, the contractor should demonstrate the process used to deem their competence. This includes the following:

- If they also do not hold the lower unit standard 17766 (basic tree felling) the tree faller must be under direct and constant supervision by a **competent person** at all times.

- If they hold unit standard 17766, they should be working toward 17765, in a structured training agreement / programme.
- The contractor should produce “on the job” training records, and records of past experience in role
- The contractor should produce supervision records which include assessment of the specific area where the tree faller will be working and the tree faller’s competency to fell the trees in the area safely.
- The contractor should produce records of any past audits

The contractor should produce their record of the assessment process they used to deem the person competent.

Question 7,8 & 9. Machine-assisted felling is a specialist skill so higher qualifications of tree fallers are expected. Such qualifications should be produced, with records of learning sighted. Where the tree faller is NOT qualified to 24569 for pushing or 24570 for pulling, the contractor should demonstrate the process used to deem their competence. This includes the following:

- They should hold the 17765 unit standard.
- They should be working toward 24569 and or 24570, in a structured training programme.
- The contractor should produce ‘on the job’ training records, and records of past experience in role
- The contractor should produce supervision records which include assessment of the specific area where the tree faller will be working and the tree faller’s competency to fell the trees in the area safely.
- The contractor should produce records of any past audits of the tree faller

The contractor should produce their record of the assessment process they used to deem the person competent. (**Competent person**; ACOP Appendix 1 Definitions)

Question 10. The crew manager, tree fallers, head breaker out and machine operators (where relevant) must have all been involved in the tailgate meeting. Look for comments on hazards and high risk areas. Controls for the hazards identified must be effective. The tailgate meeting will include an assessment of safety zone two tree length rule for the day’s work.

Questions 11 & 12. Part 2A of the HSE Act sets out that employers must provide reasonable opportunities for the employees to participate effectively in ongoing processes for improvement of health and safety in the places of work. Where there are fewer than 30 employees this can be at the

request of any employee, but is mandatory if there are over 30 employees (whether or not at a single location), Part 2A s19(c) HSE Act 1992. A trained health and safety worker representative may issue a hazard notice to an employer where they believe there is a hazard in the place of work AND that they have brought it to the employer's attention AND it has not been resolved.

Verification of Documented Safety Management System

Tree faller knowledge audit

Question 13. The tree faller must have a full and clear understanding of the five step tree felling process. If there is any doubt that the tree faller fully understands the process ask additional questions as evidence of knowledge. If the tree faller is qualified and appears to lack the required knowledge an improvement notice requiring additional refresher training may be appropriate. Where this lack of knowledge is creating a likelihood of serious harm prohibition should be considered.

Question 14. The tree faller should understand how tree fallers are harmed. The seven harms should be discussed, the tree faller should describe each harm and the appropriate controls to manage the hazards associated with each harm. The contractor should ensure documentation is available to all tree fallers to ensure they are fully aware of how tree fallers are harmed and the appropriate controls to manage the hazards associated with the seven harms identified. Where this lack of knowledge is creating a likelihood of serious harm prohibition should be considered.

Question 15. The tree faller will explain how the hazards associated with extreme weather are controlled effectively. This explanation will include specific reference to the assessment of strong winds, heavy rain and snow.

Equipment audit

Question 16. Check the condition of all personal protective equipment to ensure it is in a safe condition for use.

Question 17. Check the condition of the chainsaw to ensure it is in a safe condition for use and that its size is appropriate for the task. Check appropriateness of fuel containers.

Question 18. Check the condition of all equipment to ensure it is in a safe condition for use. Check the first aid kit is not contaminated. Hydration has been added to the Competenz required equipment list.

Question 19. Check the radio to ensure it is in a sound working condition. Observe the tree faller using the radio.

Tree faller competence audit

Question 20. Check tree stumps and butts for compliance with ACoP Tree felling rules and Competenz Tree felling best practice guidelines. Each tree stump or butt must have holding wood across the stump or butt. Check for; overcuts, step between scarf and back cut. The tree faller will explain any stumps which are non-compliant.

Question 21. Observe the tree faller felling trees. Observe the use of the five step tree felling process. Take particular note of site and area assessment and the implementation of effective controls for the hazards identified. Observe work practices which show awareness of the seven harms and the use of effective controls where applicable.

Audit the two tree length rule

Questions 22 & 23. The tree faller will know the mean tree height and demonstrate the two tree lengths from their position. Check accuracy with a range finder. Ensure the tree faller has a clear understanding of the rule.

Questions 24. Ensure the tree faller has a clear understanding of ACoP 11.4 safety zone two tree length rule. Ensure the two tree length radius is clear of other operation roads power lines etc. Ensure mobile plant with the appropriate protective structure is not working closer than one tree length. Refer to ACoP 11.4 for full explanation of rules.

Audit tree felling - hung up and cut up tree

Question 25. Ensure the tree faller has a full and complete understanding of ACoP 11.6. If there is any doubt that the tree faller fully understands the rules regarding hung up and cut up trees ask additional questions as evidence of knowledge. If the tree faller is qualified and appears to lack the required knowledge an improvement notice requiring additional refresher training may be appropriate. Where this lack of knowledge is creating a likelihood of serious harm prohibition should be considered.

Audit tree driving

Question 26. The check-in process is essential before a tree drive, including if the first attempt fails i.e the faller must check-in again. Ensure the tree faller has a full and complete understanding of ACoP 11.7. If there is any doubt that the tree faller fully understands the rules regarding tree driving ask additional questions as evidence of knowledge. If the tree faller is qualified and appears to lack the required knowledge an improvement notice requiring additional refresher training may be appropriate. Where this lack of knowledge is creating a likelihood of serious harm prohibition should be considered.

Question 27. The tree faller should radio the person available to them for the situation where one-onto-two tree driving has been unsuccessful. The person, who must be competent in tree driving, should be available to them and respond promptly.

Question 28. If a competent person is not available to the tree faller for the situation where one-onto-two tree driving is unsuccessful inspectors should consider prohibiting tree felling operations. The contractor must then provide evidence that procedures are in place to ensure a competent person is available to the tree faller for one-onto-two tree driving.

Question 29. Ask the tree faller what advice or support is available to them. If support or advice is not available follow this up with the contractor. The intent here is to ensure that the process of notification of tree driving is not robotic. Notification should be an opportunity to ask if the tree can be managed in a better way. The person available to assist with one-onto-two tree driving must be competent for the task.

Question 30. Ensure the tree faller has a full and complete understanding of ACOP 11.7.4. If there is any doubt that the tree faller fully understands the rules regarding tree driving when a one-onto-two tree drive is unsuccessful ask additional questions as evidence of knowledge. If the tree faller is qualified and appears to lack the required knowledge an improvement notice requiring additional refresher training may be appropriate. Where this lack of knowledge is creating a likelihood of serious harm prohibition should be considered.

Audit machine assisted tree felling

Question 31. Inspect the plan for machine assisted tree felling. The crew manager, tree faller, machine operators and head breaker out (where relevant) must have all been involved in planning the machine assisted tree felling operation. Look for comments on hazards and high risk areas. Controls for the hazards identified must be effective. The plan will include an assessment of safety zone two tree length rule, the communication system which will be used and a review the ACOP rules 11.8 for ground based or 11.9 for cable harvesting.

Question 32. The process will include an assessment of the size of the trees, the soil conditions, the condition of the tracks or tyres and the position of the machine e.g. uphill or downhill when pushing or pulling trees. Documentation of this process may be included in the planning document.

Question 33. Observe the machine assisted tree felling operation. Check that the tree faller avoids working directly under mobile machinery including the blade or grapple. Observe the use of the five step tree felling process. Take particular note of site and area assessment and the implementation of effective controls for the hazards identified. Check that the communication system is effective and that the tree faller has moved to a safe position before signalling for the tree to be pushed or pulled over (ACoP 11.8).

Fatigue

Questions 34 and 35. We want to gather some information about how long tree fallers are working at work i.e. some ballpark figures on the typical length of working days for foresters. Note this does not include travel time which is asked in a separate question (34). A tree faller may for instance say he worked four days out of the past seven days, and each day was about 10 hours long (or it could be that one day was six hours due to bad weather, and the rest 10 so we are after a rough average, in this case 9 hours a day over four days).

Questions 36 and 37. By law, employers must provide employees with paid rest and unpaid meal breaks. For instance, in a work period of between six and eight hours employees are entitled to:

- **Two** 10-minute rest breaks and **one** 30-minute meal break.

The *Employment Relations Act 2008* allows employers and employees to agree on the *timing* of the breaks. Where such agreement cannot be reached, the breaks should be spread evenly through the work period, where reasonable and practicable.

It is also of note that addressing risks around fatigue would fall under the general duties of employees to provide a safe working environment in s6 of the HSE Act, and as a way of addressing hazards in s7 to s10 of the Act.

Question 38. Fatigue has been raised as a potential underlying factor behind the causes of harm in tree felling. This question aims to elicit some information about how many hours it takes for the tree faller to get to the work site and back each day. We are asking for the total travelling time, so a forester could for instance say it took 90 minutes of driving to the block, which means a return trip of three hours driving. The three hours is what would be recorded.

Questions 39 and 40. This is an attempt to ascertain work intensity i.e. how much work a tree faller is expected to get through in a day.

Appendix B: Enforcement tool selection

The following section on Enforcement Tool Selection should be treated as guidance. It has been drawn from a policy that is currently in development. We are hopeful that it will assist you in your decision making, and we encourage you to provide us with feedback about its usefulness:

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Bounded discretion

- WorkSafe and Inspectors have statutory roles with associated functions and responsibilities. While Inspectors are able to exercise discretion when performing their functions and using their powers, they must do so within the bounds of what WorkSafe determines is acceptable. The following guidance on enforcement tool selection provides WorkSafe's a framework for decision making that should be suitable in most circumstances.
- Every circumstance is different, and there is not a one size fits all approach to enforcement. Consistency means applying 'a similar approach in similar circumstances to achieve similar ends'.
- If your choice of tool deviates from the situations outlined below or from precedents or guidance agreed within the organisation (for example guidance specific to a national programme) there must be sound reasoning behind your decision and evidence to support. Inspectors must use their judgement to apply the most appropriate for the situation.

Written warning

- A written warning serves as a formal warning that non-compliance has been identified. They do not require a duty-holder to act, or refrain from acting and they do not impose a fine. In light of this and because they are prior warning for an infringement notice they should be issued promptly where non-compliance has been identified.
- Written warnings are prior warning for an infringement notice under the HSE Act s56C. They allow for an infringement notice to be issued where the failure is identified during a subsequent visit or follow up. A written warning should be used when:
 - The Inspector believes, on reasonable grounds that the duty-holder has failed to comply with legislation; and
 - There are not any / no reasonable grounds for believing the failure will continue or be repeated.

- It can be unclear whether a failure will be repeated or continued. In this situation, where there is doubt over continuance/repetition, a written warning should be issued.
- If the same or similar failure is subsequently identified, both remedial (Improvement Notices/Prohibition Notices) and punitive enforcement (Infringement Notices/Prosecution) should be taken.

Improvement notice

- An improvement notice should be used when:
 - The Inspector believes, on reasonable grounds that the duty-holder has failed to comply with legislation; and
 - There are reasonable grounds to believe the failure will continue or be repeated.
- Improvement notices are issued to require a duty-holder to correct a compliance issue within a specified timeframe. They allow work to continue while the remedy to correct the failure is developed.
- They require an Inspector to complete a follow-up to ensure the requirements of the improvement notice have been complied with. If the requirements have not been met punitive action should be considered.
- They should not be used if there is an immediate risk of serious harm to people due to the failure. In these situations a prohibition notice should be issued.

Prohibition notice

- Prohibition notices are used to address the safety of people within and around workplaces. They stop the duty-holder from continuing with the unsafe practice. Used effectively prohibition notices can be a powerful enforcement tool. However they can have a significant impact on the business operations of the duty-holder. The legal threshold of a “likelihood of serious harm” (s41 HSE Act) is a low threshold. For WorkSafe NZ to be respected as a responsible and fair regulator Inspectors should use the following guidance, when deciding whether a prohibition notice is suitable.
- A prohibition notice should be issued when:
 - a. the Inspector believes, on reasonable grounds that the duty-holder has failed to comply with legislation; and
 - b. there are reasonable grounds to believe the failure will continue or be repeated; and
 - c. the circumstances of the failure involve -
 - i. an activity that may occur or is occurring; and
 - ii. the activity involves an immediate or imminent risk of serious/life-changing harm.
- Prohibition notices can be withdrawn (“lifted”) once the Inspector is satisfied that points b or c no longer apply.

- There are times when a prohibition notice may be withdrawn before full compliance has been achieved. In such cases, an improvement notice should then be issued to ensure that full compliance is achieved.
- If a follow up is completed and the duty-holder has failed to abide by the prohibition notice punitive action should be taken.
- Figure 1 guides Inspector decision making when choosing between the two remedial tools: improvement and prohibition notices. HSNO compliance orders are not included here as they cover both improvement and prohibition functions.

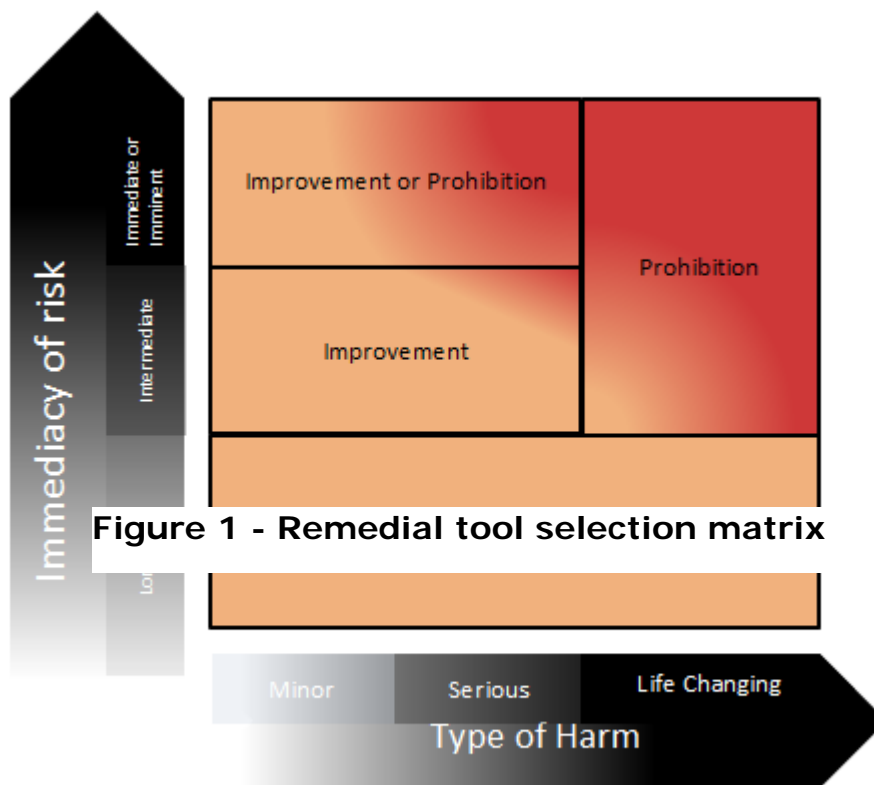


Figure 1- Remedial Tool Selection

Enforcement examples for tree felling

The following scenarios provide examples of how enforcement tools pursuant to the HSE Act 1992 may be applied to compliance failure in these assessments. This guidance supports consistent enforcement decision making for the duration of the project.

Example 1

A tree faller is observed tree driving without the use of wedges. Questioning reveals that he is a qualified tree faller and understands the tree felling rules regarding tree driving and the use of wedges. In addition the tree faller admits that he is audited regularly by his employer and uses wedges when tree driving. Inspection of the wedges shows that the wedges have been used. The tree faller explains that this is an isolated incident and assures the inspector it will not be repeated.

A written warning is appropriate with regard to the tree faller failing to use wedges when tree driving. This is because that matter is unlikely to be continued or repeated. The tree faller is advised that a similar breach may result in an infringement notice.

A prohibition notice is not warranted, because the immediate risk has been controlled.

The inspector discusses the incident with the contractor and examines the contractor's audits of the tree faller. The inspector is satisfied that the contractor has adequate systems in place to monitor tree felling work practices. The contractor states that he will discuss the issue with the tree faller. The inspector explains the action taken in issuing a written warning to the tree faller.

Example 2

The inspector observes two tree fallers working closely together felling trees “buddy cutting”. The inspector stops the tree felling operation. He questions the two tree fallers and finds that both tree fallers are qualified and fully understand ACOP rule 11.4.4 Buddy cutting is prohibited. The tree fallers explain that the contractor had instructed them to work together and to be careful.

The inspector issues a prohibition notice to the contractor, as the breach creates a likelihood of serious harm. Enquiries with the contractor reveal that they will address the safety issue by achieving compliance, and so an improvement notice is unnecessary. The contractor is advised that a similar breach may result in an infringement notice or prosecution.

The prohibition notice to the contractor states that, “no tree felling activity can commence where a person is operating a chainsaw within two tree lengths of a tree being felled”.

Written warnings are appropriate with regard to the two tree fallers. Both tree fallers admitted that they understood the ACOP rules regarding Buddy cutting. Both tree fallers gave an undertaking not to repeat this dangerous practice. The inspector believed that matter is unlikely to be continued or repeated.

N.B. Further enquiries are necessary to determine if this is a common practice in this operation and why the principal failed to ensure that the contractor was adhering to the ACOP rule 11.4.4. An improvement notice may be warranted, for example if it is found that the principal does not have adequate monitoring/auditing systems.

NOT FOR DISTRIBUTION