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The relationship between choice of construction contract and compliance with Health & Safety legislation: a perceptive study of Jonhannesburg-based construction contract management professionals

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Abstract

Construction health and safety performance in South Africa continues to be poor, and the reduction of health and safety incidents in the industry continues to be elusive. Literature review indicates that one of the key contributors to the poor statistics is non-compliance with health and safety regulations.

According to literature review, the responsibility for management of health and safety, and for ensuring compliance with health and safety regulations is the responsibility of the construction client. Construction clients are, however, usually unable to deliver project objectives, and project priorities themselves and outsource to external service providers to deliver. This results in contractual relationships between the client and service providers. As such, the procurement strategy and choice of contract to be implemented is fundamental to ensuring that project objectives such as time, quality, cost and safety are met; and for ensuring ensure that all project activities are in compliance with all statutory requirements.

This study explores the relationship between choice of standard-form construction contracts and compliance with health and safety legislation. Insights were gleaned through questionnaire surveys as well as a review of literature.

The study shows that the choice of construction contract is not indicative of the client's efforts to ensure compliance with health and safety legislation. These findings highlight that there is scope for improvement of the health and safety provisions in the standard-form construction contracts, and that these need to be reinforced by being more descriptive on the obligations of both the client and the contractor, in order to ensure compliance with health and safety legislation, and thus improve health and safety performance on construction sites.