

# CONSTRUCTION INDUSTRY COUNCIL

Recommendations and Guidelines  
for the Construction Industry

## Under COVID 19





## WHO ARE WE:

The Construction Industry Council (CIC) is the umbrella organization for the leading Professional Bodies in Jamaica Construction and Built Environment; and has been the voice of the industry since 1960. The Council comprises of :

- ◆ *The Jamaican Institute of Architects;*
- ◆ *Jamaican Institute of Quantity Surveyors*
- ◆ *Jamaica Institution of Engineers*
- ◆ *Incorporated Masterbuilders Association of Jamaica*
- ◆ *Land Surveyors Association of Jamaica*
- ◆ *Jamaican Institute of Planners*
- ◆ *Association of Land Economy and Valuation Surveyors*

The Council provides an interface between the industry, the public, and the Government and is concerned with any matter that affects the health and viability of the industry. The construction industry accounts for approximately 8 percent of the Gross National Product of the Jamaican economy, and in 2019 this amounted to JD\$ 2,100,000 (\$ 14,944 USD) million dollars. The continued health of the industry is of critical importance to the viability of the economy.

The Construction Industry Council has published the following landmark documents that are widely used within the Building and Construction Industry:

- ◆ *Standard Form of Building Contract Private Edition with Quantities*
- ◆ *Agreement for Minor Works Contract (Building Works)*
- ◆ *Code of Procedure for Selective Tendering (Building Works)*
- ◆ *Code of Procedure for Selective Tendering ( Engineering Works)*

## PREFACE

The Council and its members, like all other institutions and individuals are impacted by the coronavirus / COVID-19. However, in pressing forward, the Council believes, *“When life gives you lemon...Make Lemonade”*.

Floods, hurricanes, industrial actions, pandemics, economic downturn are just a few of the possible risks the construction industry can face at any given time, which poses a challenge in keeping businesses open.

Life has to continue even during this period, and therefore essential enterprises will have to be kept in operation. We are aware that there is the need to balance the health of our people, while at the same time ensure that the wheels of the economy are kept turning. It is therefore advisable that Professionals, in their respective organizations, ensure business continuity within the guidelines and regulations of the Government of Jamaica and the World Health Organization. In this regard, Professionals must apprise themselves of the latest information / regulations and best practices promulgated by the GOJ/MOH.

The Construction Industry Council stands ready to assist the country in utilizing the skills of our members to assist in the efforts to reduce the impact of COVID-19. It is in response to the circumstances, that the Council has compiled the following guidelines, which if adopted, is likely to mitigate the impact of the fallout anticipated.

## Health and Safety Guidelines for Construction site

In addition to the Ministry of Health (MOH) guidelines regarding *Coronavirus—COVID-19*, outlined below is the recommended health and safety measures for construction site operations.

- ⇒ Conduct health and safety briefing prior to the start of each work day.  
Inform employees of the MOH virus prevention methods and encourage them to practice these measures consistently throughout the day on the jobsite and in their communities.
- ⇒ Issue appropriate dust mask, gloves, safety glasses and for **all** site tasks and mandate the use of same.
- ⇒ Wash Stations should be placed at **all** site entrances and exits and also conveniently positioned around the site — along with signage indicating the proper method of hand washing.
- ⇒ Ensure frequent cleaning of high contact areas throughout the day. High contact areas include but are not limited to; rest rooms, change rooms, lunch rooms, site offices and security posts.
- ⇒ Ensure proper sanitation of work tools, giving special attention to tools / equipment that are used by multiple persons.
- ⇒ Place high visibility signs around the jobsite with rules for employees to practice the MOH guidelines and personal hygiene.
- ⇒ Inform employees to make a report to their immediate supervisor if they or any other employee are experiencing flu-like symptoms.
- ⇒ Encourage employees to self-declare if they may have come into contact with any infected person.
- ⇒ Provide an isolation area (e.g. temporary shed or room) for anyone suspected of having the virus. **Notify the hospital ahead of transporting any employee suspected of having the virus to the facility.**

### **Health and Safety Guidelines for Construction site. (Continued)**

- ⇒ Provide MOH recommended safety attire for the HSE or First Aid Personnel who will be interacting with any employees suspected of having the virus...
- ⇒ Advise employees who are sick (with flu-like symptoms) not to report for work but seek medical attention, such employees should be certified fit before returning to work.
- ⇒ Contractor's Health Safety and Environment (HSE) Personnel are required to monitor employees throughout the day.

*The foregoing is not intended to be a comprehensive guide for protection against infection by COVID-19. Construction firms should ensure that the measures employed on their respective construction sites be as determined by the MOH along with their own Health Safety and Environment requirements.*



## How should contractors maximize efficiency on the construction sites? :

The Government actions seeking to mitigate the impact of **COVID-19** virus in the society is intensifying the pressure on building contractors to seek new methods to maintain efficiency and economy on site.

Some practical suggestions that if implemented can promote greater efficiency and economy on site include:

1. Keeping up to date on the latest Government regulations and comply.
2. Communicating your plans with the workers on site to apprise them of your new strategy.
3. Increasing the role of the Health and Safety at work officer, making him more proactive in recognizing workers that may be ill and enforcing social distancing while working where possible.
4. Increasing the health and safety facilities on site [more hand washing facilities, maintain clean wash rooms].
5. Employing flexi work hours, this especially to avoid congestion on site.
6. Employing the use of equipment where possible in lieu of labour intensive activity.
7. Planning material supplies to be delivered over a longer period where possible.

## **What responsibility does the contractor have while the corona virus restrictions are enforced:**

The contractor must realize that his first and primary responsibility is to execute the contract and complete the works within the stipulated contract period and for the contract price agreed [Clause 1 JCT Contractor / Clause 4 FIDIC]. Although the impact of the Corona virus regulations will impact the operations on site negatively, the contractor must continue operations while obeying the pronouncements of the government of the day [Clause 4 JCT Contract / Clause 6.3 FIDIC].

To date the pronouncements of the Government has not prohibited the contractor from operating on site but he must observe the requirements of the Government by:

- Ensuring the health and Safety at Work regulations are observed
- Advising the Workers to observe the social distances
- Respecting the restraint on workers quarantined.

The Contractor must monitor the latest Government guidelines while realizing that the regulations may have a negative impact on the Works. Two distinct ways in which the Works may be affected are:

- Reducing the ability of workers to effectively complete tasks on time.
- Disruption of the supply of materials to the site.

The Contractor must therefore examine his contract and immediately advise the employer or his agent that the Works are likely to be delayed. [Clause 23 JCT / Clause 20.1 FIDIC].

The contractor should also begin to maintain a record of the impact of the regulations which results in additional delays and possible loss and or expense. This must be clearly demonstrated against the original schedule of the Works [Clause 24 (1) JCT / Clause 20.1 FIDIC ].

Failure to so do could negate the contractor's ability to recover loss and or expense.




## Client Relation

During the normal course of business, communication is a key element of professionalism. Especially at this time communication is paramount in maintaining a professional relationship with our clients.

Where the relationship with our client is guided by a contract, we recommend that there be careful scrutiny of the document paying particular attention to any provisions for delay which may be articulated therein which may have to be exercised. In the event of the need to rely on such provisions, one should communicate this to their client as prescribed in the contract in a timely manner.

Where there is no written contract, communication of delays or postponement of field-work and increased delivery timelines for documents and any other deliverable must be clearly articulated to our clients.



## CLIENT RELATIONS

- Limit face to face contact with clients
- Communicate changes and challenges promptly and clearly
- Limit or eliminate cash exchange by utilizing direct deposit or electronic transfer services
- Where possible, provide electronic copies of the report as a means of limiting contact. Reports can be encrypted and a QR code used in lieu of a signature

## **The Employer and his Employees**

We have a duty to safeguard the health and safety of those in our employ while acting in the carrying out the duties of their employment. We encourage you to make your employees aware of the threat of the virus, the possible means of communication and steps they can take to protect themselves from contracting the disease.

It is incumbent on employers to ensure that employees are sensitized on the safety, health and welfare protocols through frequent training sessions.

They should be provided with the basic items needed for proper hand sanitization while on the job and that their appropriate use is reinforced. The implementation of appropriate sanitization of work areas and equipment is also paramount at this time.

Limit the number of persons within any space to a number, practicable for the practice of adequate social distancing; or to the number stipulated by law as articulated by the GOJ.

Where possible initiate flexible work hours or allow employees to work from home, so as to limit the interaction between employees, clients and the public.

Where significant disruption in work is anticipated or becomes inevitable, be guided by your human resource protocol for such an eventuality. In the absence of such protocol ensure that any action taken is within the law. Where there is doubt, you should contact The Ministry of Labour for appropriate guidance. The unique situation we are faced with has the potential to affect all of us adversely. Communication with employees where cessation or reduction in salary is the necessary, course of action must be done in such a way to protect you from any possible legal liability. Care and compassion should be forefront in our minds, as we all navigate these uncharted waters.

## The Employer

The employer should:

- ⇒ Use guidelines from Government of Jamaica;
- ⇒ Adhere to the working policies, where applicable.
- ⇒ Review your active insurance policy, particularly provisions that concerns work disruption.
- ⇒ Review contract for professional services and construction for provision of force majeure.
- ⇒ Meet with Construction Team, (including the Client) to discuss and finalize and implement the Emergency and Infection Control Plan
- ⇒ Circulate the Ministry of Health and Wellness Infection Prevention and Control and World Health Organization guidelines to staff members and place signs throughout the workplace Plan



## SELF PRESERVATION

Protect yourself and your interests by:

- Staying home as much as possible, especially if you feel unwell
- Arranging business and personal legal matters so that you are prepared in the worst case scenario
- Starting a new hobby or learning a new skill
- Sharing concerns with family and friends

## Implication Question & Response

### Question

I am a contractor who entered into a **fixed price** contract under the CIC Standard Form of Contract, **Clause 31—*Flotations*** was mutually agreed to be deleted at the time of contract. With the Governments new Covid-19 guidelines, the project's schedule will be delayed and material costs will likely increase. Is there any provision in the contract under which a valid claim can be made for delays and increased material costs?

### Response

With supporting documentary proof that the delays and increased cost occurred as a direct result of the event, the following contract clauses would be of relevance to your situation:

#### Clause 23 - Extension of Time

- a. **Clause 23 (a) – force majeure** (i.e. “natural and unavoidable events that interrupt the expected course of events”)
- b. **Clause 23 (f)** – for reasons not reasonably foreseeable at the time of tender resulting in the inability to secure such goods and/or materials ... as are essential to the proper carrying out of the works

#### Clause 24 - Loss and Expense caused by disturbance of the regular progress of the works

If extension of time for reasons stated in (b) above is granted, increased cost of materials as a direct result of those same reasons would be valid under Clause 24 (1)(g).

## Conclusion

The seriousness of this disease cannot be overstated. It is incumbent on us as well thinking individuals to protect ourselves and those with whom we come in contact at this time. We must think of our business and make the necessary plans in order for each of us to get past this time of uncertainty and trial. We know that this too will pass, if we plan well enough, we trust that we will be able to be sustained until it does.

This calamitous event helps to remind us that though we guide our individual destinies by our actions, plans and best intentions; the ultimate outcome is sometimes out of our control. We must remain open to new ideas and new ways of operating in this rapidly changing world. We must have contingency plans in place to protect us in cases of emergency.



*CONTACT US:*



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# COVID-19 “Coronavirus”

## General Information and Guidance



### If You Feel Sick...

- Stay home.
- Drink fluids like water.
- Get lots of rest.
- Don't go to work or attend events/gatherings.
- Don't smoke or vape.

## Avoid Exposure & Slow The Spread

### For You, For Yours, For Your Community.

The best way to prevent infection is to avoid being exposed to this virus. The more social distancing we practice the better for everyone in our community, especially for the elderly or those with immuno-compromised illnesses.



**Avoid gatherings and stay home if you are sick.**



### Masking...

It is recommend to wear a mask when in public spaces.

**If you are sick, stay home.**