

Identifying Health and Safety Roles and Responsibilities on a Residential Construction Site

Draft ACOP
Public Consultation document

WORKSAFE

Mahi Haumaru Aotearoa

How the proposed Health and Safety at Work Act (HSWA) Amendment Bill is reflected in this draft

WorkSafe is working through what the government's proposed changes to the Health and Safety at Work Act might mean in practice for businesses.

As a result:

- this draft has only been updated to reflect the clearer, more settled proposed changes. These updates are showing in blue shading; and
- other proposed changes that are still being worked through (for example, how the changes may affect small and large businesses working together) have not yet been included in this draft.

Feedback

Feedback will be considered only in relation to this draft document. Comments on the proposed changes to the Health and Safety at Work Act are outside the scope of this consultation and will not be considered.

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PART A Introduction

Term or symbol	Meaning in this document
PCBU/business	Person conducting a business or undertaking. Sometimes called 'business' in this draft ACOP.
'you'/'your'	Refers to the PCBU or business.
' must ' and/or 	Shows a legal requirement under HSWA or its regulations. You must follow these requirements.
'make sure', 'do not', 'check' or similar wording	Actions to take to comply with this draft ACOP. For safe harbour to apply, duty holders need to follow all the actions set out in the ACOP to comply with the stated HSWA duty. If a duty holder follows most, but not all, actions they may still meet their duty, but safe harbour will not apply.
Blue shading	Content based on proposed changes to the Health and Safety at Work Act.

1.0 Purpose

1.1 About this draft ACOP

- 1.1.1 This draft approved code of practice (draft ACOP) describes methods of compliance for certain Health and Safety at Work Act 2015 (HSWA) duties related to roles and responsibilities on residential construction sites.
- 1.1.2 In this draft ACOP, “residential construction” means the building or renovating of homes and multi-unit dwellings where people live. It includes, but is not limited to, standalone homes, townhouses, apartments, and developments, including government developments.

1.2 Who this draft ACOP is for

- 1.2.1 This draft ACOP is for those involved in residential construction, including:
- **Principal contractor:** The building business, building franchise, or project manager engaged to lead the construction project and who has overall control and coordination of responsibilities and activities on the construction site.
 - **Contractors and subcontractors:** Businesses and tradespeople who provide construction services such as joinery, electrical work, plumbing, roofing, landscaping and earthworks.
 - **Workers:** Employees, apprentices, casual staff, and anyone else working on residential construction projects.
 - **Homeowners, property managers and occupiers:** This includes homeowners, property developers, property managers, and tenants living in rented houses.
 - **Supply chain partners:** Businesses such as hardware and material suppliers, transport operators, on-site facility providers, and inspection or assurance services.
- 1.2.2 The document is also useful for health and safety advisors or consultants.
- 1.2.3 HSWA uses the term "person conducting a business or undertaking". This is referred to as a "PCBU" throughout this document. For more information, see Appendix 2: Health and Safety at Work Act duties.

1.3 Critical risks and PCBU size

- 1.3.1 **Critical risks are:**

- risks that stem from hazards listed in Schedule 1A of HSWA, and
- risks that are likely to result in death, a notifiable injury, illness or accident, or an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001.

How PCBUs must manage risks depends on their size

- 1.3.2 A small PCBU has fewer than 20 workers.
- 1.3.3 Small PCBUs **must** manage their critical risks to meet their duties under HSWA sections 36 to 43, and the requirements to provide information, training, instruction, supervision and personal protective equipment under the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.
- 1.3.4 Other PCBUs **must** prioritise managing critical risks and also still provide worker welfare facilities such as adequate lighting, washing facilities and first aid.

2.0 Scope and how to use this document

2.1 What this draft ACOP covers

- 2.1.1 This draft ACOP covers roles and responsibilities on residential construction sites for:
- clients (PCBUs)
 - principal contractors (PCBUs)
 - contractors (PCBUs) and subcontractors (PCBUs)
 - workers
 - homeowners building or renovating their home
 - other persons at a workplace
 - officers of PCBUs.
- 2.1.2 For PCBUs, the draft ACOP focuses on actions to take to consult, cooperate and coordinate with other PCBUs that have the same health and safety duty.
- 2.1.3 The draft ACOP is structured as follows:
- Part A – outlines the scope of this draft ACOP and how it is to be used
 - Part B – sets out the duties and actions for each role
 - Part C – sets out what consulting, cooperating and coordinating under HSWA means.

2.2 What this draft ACOP does not cover

2.2.1 This draft ACOP does not cover:

- non-residential construction (commercial and civil)
- how to manage specific health and safety risks on residential construction sites
- duties of upstream PCBUs (designers, manufacturers, importers, suppliers, importers, installers, constructors and commissioners) (HSWA Sections 39-43).

2.3 How to use this draft ACOP

2.3.1 This document is written as a 'safe harbour' draft ACOP.

2.3.2 If a business follows what a safe harbour ACOP sets out, they would be treated as having complied with the **relevant** legal duty. For safe harbour to apply, duty holders need to follow all the actions set out in the ACOP to comply with the stated HSWA duty. If a duty holder follows most, but not all, actions they may still meet their duty, but safe harbour will not apply.

2.3.3 Duty holders do not have to follow the actions set out in this draft ACOP. They can meet HSWA requirements in other ways.

2.3.4 The examples in this draft ACOP are fictional but based on real situations. The examples are used to illustrate and reinforce the content. They are not intended to set a minimum standard.

2.3.5 Links to explanatory guidance are provided for readers that need further information.

2.3.6 Use the diagram in Figure 1 to find the right part for you. A person can have more than one role, and will need to meet the requirements of each role.

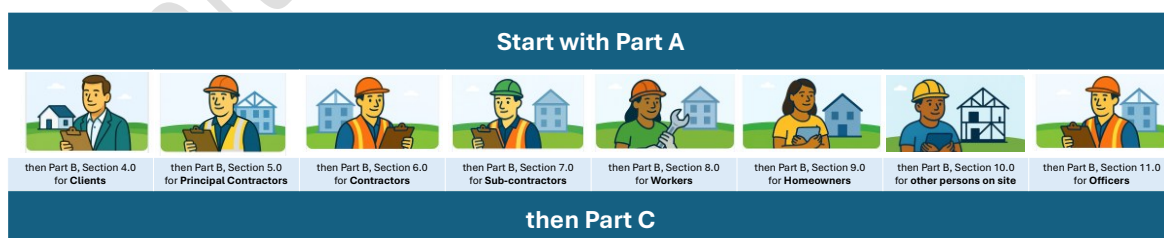



Figure 1: Where residential construction roles can be found in this draft ACOP

2.4 Terms and symbols in this draft ACOP


2.4.1 Table 1 shows what certain terms and symbols mean in this draft ACOP.

Table 1: The meaning of certain terms and symbols in this document

Term or symbol	Meaning in this document
PCBU/business	Person conducting a business or undertaking. Sometimes called 'business' in this draft ACOP.
'you'/'your'	Refers to the PCBU or business.
' must ' and/or 	Shows a legal requirement under HSWA or its regulations. You must follow these requirements.
'make sure', 'do not', 'check' or similar wording	Actions to take to comply with this draft ACOP. For safe harbour to apply, duty holders need to follow all the actions set out in the ACOP to comply with the stated HSWA duty. If a duty holder follows most, but not all, actions they may still meet their duty, but safe harbour will not apply.
Blue shading	Content based on proposed changes to the Health and Safety at Work Act.

2.4.2 A list of technical words, terms, and abbreviations used in this draft ACOP, for example 'PCBU', can be found in the glossary at Appendix 1.

PART B Roles and responsibilities

Term or symbol	Meaning in this document
PCBU/business	Person conducting a business or undertaking. Sometimes called 'business' in this draft ACOP.
'you'/'your'	Refers to the PCBU or business.
' must ' and/or 	Shows a legal requirement under HSWA or its regulations. You must follow these requirements.
'make sure', 'do not', 'check' or similar wording	Actions to take to comply with this draft ACOP. For safe harbour to apply, duty holders need to follow all the actions set out in the ACOP to comply with the stated HSWA duty. If a duty holder follows most, but not all, actions they may still meet their duty, but safe harbour will not apply.
Blue shading	Content based on proposed changes to the Health and Safety at Work Act.

3.0 What are the different roles in residential construction?

3.1 Overview of HSWA roles

3.1.1 A residential construction project often involves multiple businesses working on or visiting the construction site.

3.1.2 HSWA places health and safety responsibilities on everyone working on or visiting a construction site.



3.1.3 Under HSWA, duty holders **must** eliminate risks to health and safety, so far as reasonably practicable. If a risk cannot be eliminated, it **must** be minimised so far as reasonably practicable.

3.1.4 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

3.1.5 Each person or business will have at least one of the four duty holder roles defined in the Health and Safety at Work Act (HSWA). These roles are:

- PCBUs (called businesses in this draft ACOP)
- officers
- workers
- other persons at a workplace.

3.2 HSWA roles and duties

3.2.1 Under HSWA, each role has different duties.

- You cannot transfer a duty to another person.
- You cannot contract out of a health and safety duty.

3.2.2 A person can have more than one role, and can have more than one duty (for example, a contractor may be a PCBU but also a worker if they do some of the work themselves).

3.2.3 More than one person may have the same duty at the same time. This is sometimes referred to as “overlapping duties” (please refer to Part C).



3.2.4 As explained in Part C, when multiple businesses have the same duty, each business **must**, so far as is reasonably practicable:

- consult with each other
- cooperate with each other
- coordinate their activities.

3.2.5 Table 2 describes these roles and duties in more detail.

Table 2: Description of the organisations and people with duties in residential construction

Duty holders	Who is this in residential construction?	Duties overview
All PCBUs (person conducting a business or undertaking)		
<p>PCBUs (person conducting a business or undertaking)</p> <p>PCBUs are sometimes called businesses in this draft ACOP.</p>	<p>A PCBU can be an individual or an organisation. In residential construction this includes:</p> <ul style="list-style-type: none"> - a business - a self-employed person - principal contractors - contractors - subcontractors - the building project client. 	<p>Has the primary duty of care for workers and other people at the workplace.</p> <p>Consults, cooperates and coordinates with other PCBUs when they have the same health and safety duty.</p> <p>Engages with workers about health and safety matters and give them opportunities to participate.</p>
PCBUs with specific roles and duties		
<p>PCBUs who manage or control the workplace (the construction site)</p>	<p>This depends on the project. It is usually the principal contractor, but it may be a project manager (including a homeowner in some situations – see Homeowner Section 9.0).</p>	<p>Manages the workplace, access and exit points, and anything that arises from the workplace.</p>
<p>PCBUs who manage or control plant, fixtures and fittings</p>	<p>The business that manages or controls equipment such as scaffolding, mobile platforms, temporary power boards, ladders, hoists, site toilets and similar items.</p>	<p>Makes sure plant, fixtures and fittings are without risks, so far as is reasonably practicable.</p>

Duty holders	Who is this in residential construction?	Duties overview
Other duty holders		
Officers	Includes: <ul style="list-style-type: none"> - a company director - chief executive - partners - board members. 	Exercises due diligence to ensure that the PCBU meets their health and safety duties. Ensures the PCBU has the right systems, resources, and oversight so health and safety is effectively managed across all work.
Worker	Anyone who carries out work for a PCBU, including: <ul style="list-style-type: none"> - employees - contractors or subcontractors and their employees - labour hire workers - apprentices or trainees - people gaining work experience or trials - an officer “on the tools”. 	Takes reasonable care of their own health and safety and makes sure they do not harm others. Co-operates with any reasonable health and safety policies and procedures the PCBU has told them about. Complies with reasonable instructions from the PCBU so the PCBU can meet their duties.
Other persons at workplace	Includes: <ul style="list-style-type: none"> - visitors - residential tenants - homeowners (under certain circumstances - see Section 9.0). 	Takes reasonable care of their own health and safety and makes sure they do not harm others. Complies with reasonable instructions from the PCBU so the PCBU can meet their duties.

3.3 Reasonably practicable

- 3.3.1 To manage health and safety risks, you need to consider the specific situation. HSWA uses the term "so far as is reasonably practicable". Each residential construction site will vary, what is considered reasonably practicable on one site may not be on another site.



3.3.2 You **must** eliminate risks so far as is reasonably practicable. If you cannot eliminate the risk, you must minimise it so far as is reasonably practicable. You must do this to the extent that you have, or would reasonably be expected to have, influence and control over the matter the risk relates to.

3.3.3 Small PCBU **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

3.3.4 For questions to help you understand what is reasonable in your situation, see [Reasonably practicable | WorkSafe](#).

3.4 Overview of residential construction roles

3.4.1 This draft ACOP focuses on these roles in a contracting chain. It also covers officers, workers and other persons at a workplace.

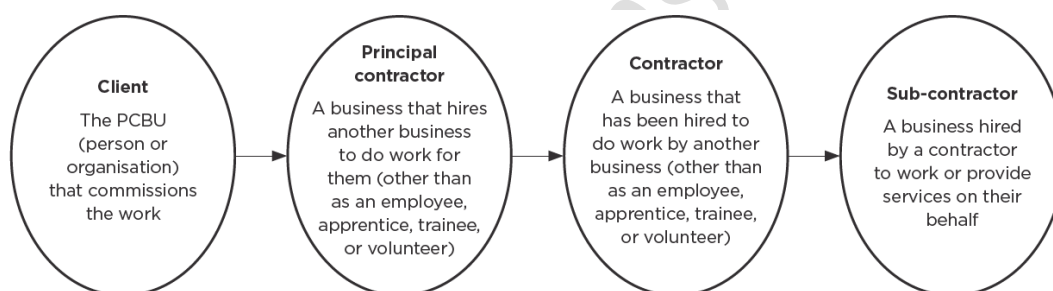


Figure 2: Roles in the contracting chain

3.4.2 Table 3 gives an overview of the common main roles in residential construction covered in this draft ACOP. It also explains who fills each role and summarises the health and safety focus for the role.

3.4.3 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

Table 3: Summary of roles and duties

Role	In this draft ACOP, who is this?	Health and safety focus
Client	The PCBU (person or organisation) that commissions the work.	Engage qualified and experienced people and provide the information they need to do the work safely.

3.0 WHAT ARE THE DIFFERENT ROLES IN RESIDENTIAL CONSTRUCTION?

Role	In this draft ACOP, who is this?	Health and safety focus
Principal Contractor	The PCBU with overall control of the site. If something affects the safety of more than one trade, the principal contractor coordinates it. This role is about leadership and oversight, not doing all the work themselves.	Set up, manage and coordinate a safe site for everyone. Consult, cooperate and coordinate with other businesses on the construction site when they have the same duty.
Contractors	A PCBU (a business or sole trader) hired to carry out part of the construction work. Contractors are usually hired by the principal contractor but can sometimes be hired directly by the client.	Manage the risks from their work and protect others. Consult, cooperate and coordinate with other businesses on the construction site when they have the same duty.
Subcontractors	PCBUs hired by the principal contractor or another contractor to carry out part of the work. They may work on site for a short period or for the whole project.	Manage the risks from their work and protect others. Consult, cooperate and coordinate with other businesses on the construction site when they have the same duty.
Officers	People who make decisions that can significantly affect how a PCBU operates. This includes company directors, chief executives, partners and board members.	Make sure the PCBU has the right systems, resources and oversight so health and safety is well managed across all work. An officer's duty excludes activities they carry out in another role within the business (for example, as a worker).

Role	In this draft ACOP, who is this?	Health and safety focus
Workers	Anyone carrying out work on site. This includes employees of contractors and subcontractors, labour-hire workers, apprentices and anyone else working at the site.	Work safely and follow reasonable instructions.
Other persons onsite	Includes certain homeowners and home occupiers, and visitors (see Section 9 and 10).	Take reasonable care and follow any reasonable instruction.

- 3.4.4 Businesses can have different roles (principal contractors, contractor or subcontractor) and different HSWA duties at different worksites. They, therefore, need to work out their roles and responsibilities for each worksite.
- 3.4.5 Sections 4.0 to 11.0 describe the roles and responsibilities of clients, principal contractors, contractors, subcontractors, workers, homeowners and other people on site. These sections also outline the actions to be taken during each stage of construction. PART C explains the duty of PCBUs to consult, cooperate and coordinate, and outlines actions to take.
- 3.4.6 These actions apply to both small and large construction projects. They can be scaled to suit the size and complexity of the project.
- 3.4.7 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

3.5 Overview of activities before, during and after construction

- 3.5.1 Figure 3 shows the three stages of work on a construction site (before, during and after) and the high-level health and safety activities that occur during these stages.

3.0 WHAT ARE THE DIFFERENT ROLES IN RESIDENTIAL CONSTRUCTION?

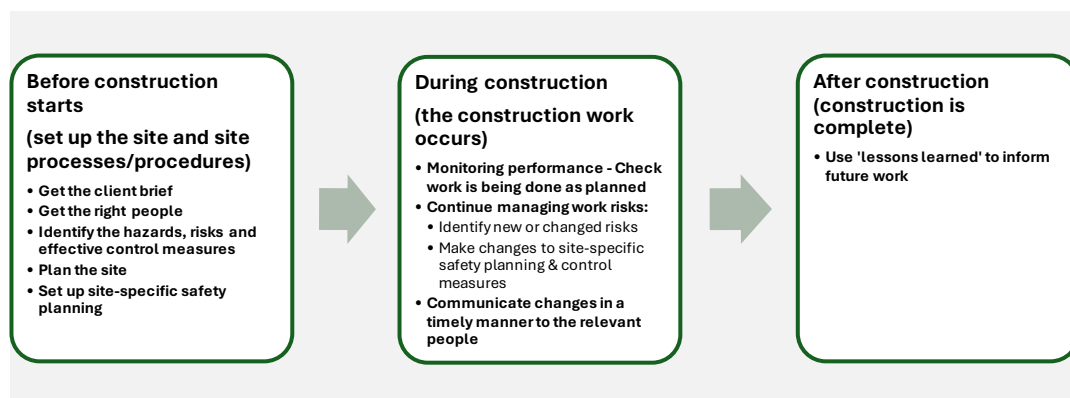


Figure 3: The three stages of construction used in this draft ACOP

- 3.5.2 Appendix 4 shows some of the duties that can apply to more than one business, and how these duties may relate to these construction stages.
- 3.5.3 For each of the roles in Sections 4.0-11.0, the actions to take are split between the before, during and after construction stages.
- 3.5.4 Please note these stages are indicative. Health and safety duties apply at all times for the duration of a construction project.

4.0 Clients (PCBUs)

4.1 Who is this section for?

- 4.1.1 This section is for PCBUs who commission the construction work (called 'clients' here). This may be, for example, a property developer, a landlord or an investor.
- 4.1.2 In certain circumstances, residential homeowners (homeowners/occupiers) may be 'clients'. To find out about this, see Section 9.0.
- 4.1.3 On some projects the client may also have other roles (for example, the principal contractor or contractor). In these cases, the business needs to meet the duties of each role.



-
- 4.1.4 As PCBUs, clients have a primary duty of care. They **must** ensure, so far as is reasonably practicable:
- the health and safety of their workers and any workers they influence or direct
 - that the health and safety of other persons is not put at risk from their work.
- 4.1.5 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.
- 4.1.6 PCBUs **must** consult, cooperate and coordinate their responsibilities and activities with other PCBUs/businesses that have the same duty.
-
- 4.1.7 To meet the HSWA Section 34 duty to consult, cooperate and coordinate, follow the actions in Table 4. See Part C for what consulting, cooperating and coordinating under HSWA means.

4.2 What are a client’s actions during a project?

4.2.1 Table 4 sets out the actions that clients take at each stage of a residential construction project to manage health and safety well.

Table 4: Actions for clients

Stage of project	Actions
<p>Before construction starts (set up the site and site processes/ procedures)</p>	<p>1. Build health and safety into procurement and contracting</p> <ul style="list-style-type: none"> - Choose a qualified and experienced principal contractor and contractors. You do not need to use a formal prequalification process. - Confirm relevant experience and health and safety capability (for example: industry memberships, qualifications, certifications and references). - Visit www.building.govt.nz and industry registration for guidance on hiring qualified and experienced building businesses, for example: <ul style="list-style-type: none"> - When you need an LBP Licensed Building Practitioners - Electrical Workers Registration Board - NZRAB - Register Search - Find an engineer Engineering NZ - Plumbers, Gasfitters and Drainlayers Board. - Require site-specific safety planning which includes clear responsibilities, and good communication pathways. <p>2. Share any site information that affects risk</p> <ul style="list-style-type: none"> - Share any site information that could affect health and safety, such as the presence of asbestos, locations of know and assumed services and utilities, access issues and building plans. - Allow time for asbestos surveys and other pre-construction surveys to be completed. <p>3. Agree “how we will work together” across all PCBUs</p> <ul style="list-style-type: none"> - Agree how you and the principal contractor (and other contractors) will work together to meet your duties including:

Stage of project	Actions
	<ul style="list-style-type: none"> - agree who has management or control of the site - agree how you will communicate - agree how changes and problems will be managed and communicated.
<p>During construction (the construction work occurs)</p>	<p>1. Do not create pressure that makes work unsafe</p> <ul style="list-style-type: none"> - Where late changes to project plans are necessary, ensure that risk has been assessed and appropriate control measures put in place. - Make sure changes to time, budget, sequencing, or design are realistic and do not encourage unsafe shortcuts. - Stop work if something is not healthy or safe. A worker has a right to cease/refuse to carry out unsafe work (HSWA Section 83). - Stay out of decisions about site control. <p>2. Check that coordination is working – keep up to date with what is happening on site</p> <ul style="list-style-type: none"> - Confirm that control measures remain effective throughout the project and require the principal contractor to report on critical-risk monitoring and verification. - Have regular check-ins with the principal contractor and confirm how other PCBUS are being managed and kept informed. - Confirm that duties are being met, communication is working and issues are being addressed. - Make sure everyone is aware of and follows HSWA requirements for a notifiable event and site preservation. Agree who will notify WorkSafe and who will preserve the site. For more information, see What events need to be notified? WorkSafe.
<p>After construction (construction is complete)</p>	<ul style="list-style-type: none"> - Take part in a review of what worked well and what needs improvement. Record the lessons learned and use them on future projects. - Receive handover information that supports safe use, maintenance and repair. This may include future access needs and manuals.

Example 1: Building alterations to a rental property

Matiu owns a house in Hamilton, but he is working in Wellington for a long-term contract, so he rents the house out to a tenant. He decides the second bathroom needs an upgrade and hires Isla, an experienced builder, to manage the renovation. A property management company, Karaka Property Services, already looks after the tenancy for him.

Because this is work on a rental property, Matiu knows he has PCBU duties. He needs to work with both Isla and the property managers to make sure everyone's health and safety responsibilities are met.

The three of them meet and agree that Isla and Karaka Property Services will work closely together to coordinate the renovation and minimise disruption for the tenant. They also agree that the property manager will be the main point of contact during the job.

Karaka Property Services will:

- keep the tenant informed about what is happening and what they need to do
- tell the tenant of their health and safety duties (to take reasonable care of their own safety, not harm others, and follow instructions)
- keep Matiu updated on progress
- organise meetings with Isla as needed to work through health and safety issues.

5.0 Principal contractors

5.1 Who is this section for?

- 5.1.1 This section is for the PCBU that the client hires to lead the residential construction project. This may be the main building business, building franchise, a contractor or a project manager. This is defined as the principal contractor in this draft ACOP.
- 5.1.2 The principal contractor is the PCBU that manages or controls the workplace and takes the lead in managing health and safety across all trades on site. On some projects the client and the principal contractor may be the same business. In these cases, the business needs to meet the duties of both roles.



- 5.1.3 As PCBUs, principal contractors have a primary duty of care. They **must** ensure, so far as is reasonably practicable:
- the health and safety of their workers and any workers they influence or direct
 - that the health and safety of other persons is not put at risk from their work.
- 5.1.4 As the PCBU that manages or controls the workplace, they **must** ensure, so far as is reasonably practicable, that the workplace, the ways people enter and exit it, and anything else arising from the workplace are without health and safety risks to any person.
- 5.1.5 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.
- 5.1.6 PCBUs **must** consult, cooperate and coordinate their responsibilities and activities with other PCBUs/businesses that have the same duty.

- 5.1.7 In most cases, the principal contractor is responsible for setting up and managing site procedures. However, every PCBU is responsible that they meet their own health and safety duties.
- 5.1.8 To meet the HSWA Section 34 duty to consult, cooperate and coordinate, follow the actions in Table 5. See Part C for what consulting, cooperating and coordinating under HSWA means.

5.2 What are a principal contractor's actions during a project?

5.2.1 Table 5 below sets out the actions that principal contractors take at each stage of a residential construction project to manage health and safety well.

Table 5: Actions for principal contractors

Stage of project	Actions
Before construction starts (set up the site and site processes/procedures)	<p>1. Get the right people</p> <ul style="list-style-type: none"> - Choose qualified and experienced contractors and subcontractors. You do not need to use a formal prequalification process. - For guidance on hiring qualified and experienced contractors and subcontractors, see industry registration, for example: <ul style="list-style-type: none"> - When you need an LBP Licensed Building Practitioners - Electrical Workers Registration Board - NZRAB - Register Search - Find an engineer Engineering NZ - Plumbers, Gasfitters and Drainlayers Board. - Make sure workers get a site induction, understand site rules and know how to raise concerns. - With the contractors and subcontractors who will work on site, do the following (steps 2-6): <ul style="list-style-type: none"> - work out where you have the same duties and what each business can influence or control - decide who is responsible for what on the construction site. <p>2. Identify hazards, risks and control measures</p> <p>Note that small PCBUs must only manage critical risks. Other PCBUs must manage all risks but prioritise critical risks.</p> <ul style="list-style-type: none"> - Identify hazards and risks from:

Stage of project	Actions
	<ul style="list-style-type: none"> - the work (for example, confined spaces, dust, toxic fumes, flammable atmospheres, working at height, excavation, asbestos, work under raised object, falling objects). For more information on each of these hazards and risks, see the WorkSafe website - the construction site (for example, powerlines, shared access, water courses, steep slopes that create rolling hazards for vehicles or plant, multi-unit developments each with their own principal contractor) - the environment (for example, strong winds). - Identify effective control measures including planning the order of work (who will be on site, when, and what they will be doing), delivery of supplies and when essential equipment will be set up. <p>3. Plan site safety</p> <p>Work out what is needed for:</p> <ul style="list-style-type: none"> - temporary fencing, signage and security - safe site entry and exit, including traffic management for deliveries and visitors - temporary services and facilities (electricity, toilets, drinking water, handwashing, break areas, first aid facilities, equipment and first aiders) - waste management - temporary works (design, approvals, verifications and safe-use requirements, such as scaffolding set up) - required consents and approvals (such as building consents and utility approvals) - emergency equipment (for example, fire protection) - communications with neighbours. <p>4. Decide site procedures and requirements</p> <p>Set HSWA compliant procedures for:</p> <ul style="list-style-type: none"> - managing visitor access, including sign in/out, instructions and PPE (for more

Stage of project	Actions
	<p>information on PPE, see Personal protective equipment (PPE) WorkSafe</p> <ul style="list-style-type: none"> - how workers will sign in/out (for example, using an app) - what to do when things go wrong or work does not go to plan - how to contact the key person, and what to do if they cannot be reached - managing isolated, remote and lone workers (for more information, see Lone working - what's the problem? WorkSafe; Approach for dealing with certain kinds of work or work situations WorkSafe) - communication with neighbours - notifying WorkSafe of: <ul style="list-style-type: none"> - notifiable work - notifiable events and preserving the site - communicating to contractors/ subcontractors in ways that suit literacy and language needs (for example, inductions, toolbox talks, task-specific risk information, apps). <p>Set HSWA compliant requirements for:</p> <ul style="list-style-type: none"> - using, maintaining and checking site equipment (such as scaffolding and mobile platforms), including what to do if modifications are needed - PPE (who provides what) - training and supervision - emergency plans (for example, natural disasters) - contingency plans (for example bad weather or supply delays) - worker engagement practices - safe access, fencing, signage, and welfare facilities - post-construction processes. For more information on PPE, emergency plans, worker engagement and safe access, see the WorkSafe website. <p>5. Set up the site, site processes and work schedules</p>

Stage of project	Actions
	<ul style="list-style-type: none"> - Provide safe access, exits, fencing, exclusion zones, and safe traffic and delivery routes. - Make sure facilities, first aid, and emergency plans are in place. - Agree roles, responsibilities, and communication processes with all PCBUs. - Arrange inductions and make sure everyone knows who is in charge, the site rules, and how to report hazards, near misses and incidents. - Plan the work so trades can work safely around each other. <p>6. Create site-specific safety planning that everyone can access and understand</p> <ul style="list-style-type: none"> - Keep this safety system information available and easily accessible for anyone on the site. - Record how risks will be managed, including hazards, control measures, overlapping work and clear responsibilities.
<p>During construction (the construction work occurs)</p>	<p>1. Control the site</p> <ul style="list-style-type: none"> - Manage the workplace, including access, exits, shared areas and exclusion zones. - Make sure people can enter, work, and leave safely. <p>2. Continue to consult, cooperate and coordinate with all PCBUs</p> <ul style="list-style-type: none"> - Consult, cooperate, and coordinate with contractors, sub contractors, designers and suppliers – effective consultation, cooperation and coordination will be reflected in the site-specific safety planning. - Manage overlaps between trades so work does not create new risks. <p>3. Engage workers</p> <ul style="list-style-type: none"> - Make sure workers receive a site induction, understand the site rules, and know how to raise concerns. - Enable worker participation through toolbox talks and safety conversations. <p>4. Manage people on site</p>

Stage of project	Actions
	<ul style="list-style-type: none"> - Manage workers, visitors, deliveries and homeowners while work is underway. - Make sure instructions are clear and followed. - Advise workers on site to report hazards, near misses and incidents as soon as possible. <p>5. Monitor performance</p> <ul style="list-style-type: none"> - Check that frequent meetings happen with the workers who are on site. - Confirm work is being done as planned. - Confirm control measures are in place and are managing risks well. - Confirm PPE is appropriate and provided where agreed. - Check regularly that supplied equipment (scaffolding, plant and tools) is safe and has not been modified. <p>6. Continue risk management</p> <ul style="list-style-type: none"> - Monitor site conditions and update control measures as the work changes. - Identify new or changed risks (for example, strong winds, timing or sequencing changes, one contractor's work affecting another, unexpected asbestos). - Update the site-specific safety planning and control measures with input from contractors and subcontractors. - Facilitate worker participation, including toolbox talks and safety discussions. <p>7. Communicate changes in a timely way</p> <ul style="list-style-type: none"> - Tell the right people about changes to site-specific safety planning or control measures. - Update the site-specific safety planning. <p>8. Be ready and respond to incidents and near misses</p> <ul style="list-style-type: none"> - Make sure everyone is aware of and follows the agreed processes/HSWA requirements for a notifiable event and site preservation. Agree who will notify WorkSafe and who will preserve the site. For more information, see What events need to be notified? WorkSafe.

Stage of project	Actions
	<ul style="list-style-type: none"> - Follow agreed procedures. - Preserve the site if required.
<p>After construction (construction is complete)</p>	<p>1. Make the site safe to close down</p> <ul style="list-style-type: none"> - Make the site safe for demobilising. - Remove temporary control measures (such as scaffolding or barriers) safely. - Manage remaining hazards and make sure access is safe for handover or occupancy. <p>2. Prepare and deliver the handover to the client</p> <ul style="list-style-type: none"> - Give the homeowner or client a clear handover pack. - Include information on how to use and maintain the home safely. - Explain any rules or information needed for future work. - Include any residual risks and future access needs. <p>3. Share and use lessons learned</p> <ul style="list-style-type: none"> - Discuss with contractors, subcontractors and clients what worked well and what could be improved for next time.

Example 2: Vehicle access and parking during a building renovation

A small building company is renovating a family home on a quiet residential street. The work does not require building consent, but it does involve daily visits from tradespeople and occasional delivery trucks.

Before work starts, Sam, the builder, walks the site and notices the street is narrow, with on-street parking and a well-used footpath. Children walk past on the way to school, and cyclists use the road as a local route. Sam has to think how vehicles arriving on site could affect the homeowner's family, workers and the public. He also rings the Council to ask about other local roads and traffic, and to check if there is anything that may affect the usual road use, such as planned road closures due to maintenance or events.

Sam talks to the homeowner Wiremu, and they agree that work vehicles can be parked in the existing driveway and Wiremu will park his vehicle out of the way. Deliveries will be scheduled outside busy morning and

afternoon periods (during pick up and drop off times at the school just along the road).

Workers are briefed on where to park and how to manage vehicle movements safely.

Throughout the renovation, Sam checks that vehicle movements remain safe as conditions change. By planning ahead and focusing on who might be affected and ensuring good communication, he avoids unnecessary traffic control measures while still meeting health and safety responsibilities.

Example 3: Identify access hazards; consult, cooperate and coordinate

Hemi, the principal contractor on a new residential build, identifies overhead powerlines running across the site entrance during early planning. Knowing the risks to truck, Hiab and crane operators from those lines, he contacts the local electricity lines authority. The authority confirms the Minimum Approach Distances (MADs) under NZECP 34 and explain when a 'Close Approach Consent' might be needed.

Using this advice Hemi talked to other tradespersons that will be working onsite, and they agreed on the site access and delivery procedures. Hemi updates the site plan to show safe access routes, a set-down area well clear of the lines, and exclusion zones that plant cannot enter. He shares this information with all trades expecting deliveries. The tradespeople pass this information on to their delivery companies so drivers and operators know what they need to do when arriving on site.

When deliveries start, operators follow the marked route and unload only in the designated area. Hemi appoints a qualified person to check the control measures are in place each day. The tradespersons coordinate with Hemi if anything changes.

Example 4: Site planning meeting

Mere, the site manager for Weta Builders, makes sure that when any contractor arrives on site they catch up to discuss the build and what is happening. She refers to their pre-start planning session and the comms that were sent out. She wants to make sure the different teams start the job by consulting, cooperating, and coordinating from day one.

Mere reminds everyone that each business has health and safety duties, and that they all need to work together so the site stays safe. She makes it clear she is the central point of contact and invites each contractor to

outline what they will be doing, how they will do it, and when and where their work will take place.

Each trade confirms what plant, equipment, and substances they will bring on-site, and whether any shared plant like scaffolding will be needed. This helps everyone understand how their work overlaps and where they will need to cooperate to avoid delays or getting in each other's way.

Mere makes sure to discuss risks, especially anything that could cause serious harm. The contractor shares how they will manage their risks and whether their work could create new risks for others. Together, they agree on practical ways to reduce risks and confirm who is responsible for what, making sure coordination is clear from the start.

They also confirm how they will manage shared facilities, what the emergency plan looks like, and how they will communicate (through regular site meetings, quick catch-ups, and mobile app updates). Mere encourages everyone to speak up if they see anything unsafe and reminds them that ongoing cooperation is the key to keeping the job running smoothly.

Example 5: Lessons learned

With the residential build now completed and handed over to the client, Mereana from the principal contractor takes the lead on a post-build review. She wants to look back over the project and understand how well health and safety, delivery management, sequencing, and coordination between trades worked in practice. Her goal is simple: capture what went well and identify any recurring issues so future builds run even smoother.

Mereana gathers feedback from supervisors, subcontractors, delivery companies, and workers who were on the tools throughout the job. People share honest insights (from how clear the communication was, to whether site control measures were practical, to what caused avoidable delays or health and safety challenges). She compiles all of this into a set of lessons learned, focusing on improvements that will prevent repeat problems and strengthen good practices across upcoming projects.

Once the findings are pulled together, Mereana shares them with all subcontractors, encouraging each trade to reflect on what applies to their own systems and how they can lift their planning and onsite behaviours. Workers are also briefed so they can carry the learnings into future jobs. From there, the principal contractor updates internal templates and site management processes — using the review to continually improve how they plan, coordinate, and manage risk on new residential builds.

6.0 Contractors

6.1 Who is this section for?

6.1.1 This section is for PCBUs (businesses or sole traders) who are hired or contracted to work on a residential construction project (called “contractors” here).

6.1.2 They are usually hired by the principal contractor, but sometimes the client hires them directly.



6.1.3 As PCBUs, contractors have a primary duty of care. They **must** make sure, so far as is reasonably practicable:

- the health and safety of their workers and any workers they influence or direct
- that the health and safety of other persons is not put at risk from their work.

6.1.4 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

6.1.5 PCBUs **must** consult, cooperate and coordinate their responsibilities and activities with other PCBUs/businesses that have the same duty.

6.1.6 In most cases, the contractor has the most influence and control over their work activities and workers. However, all PCBUs remain responsible for meeting their own health and safety duties.

6.1.7 To meet the HSWA Section 34 duty to consult, cooperate and coordinate, follow the actions in Table 6. See Part C for what consulting, cooperating and coordinating under HSWA means.

6.2 What are a contractor’s actions during a project?

6.2.1 Table 6 below shows the actions contractors take at each stage of a residential construction project to manage health and safety well.

Table 6: Actions for contractors

Stage of project	Actions
Before construction starts	1. Get the right people

Stage of project	Actions
(set up the site and site processes/ procedures)	<ul style="list-style-type: none"> - Choose qualified and experienced subcontractors. You do not need to use a formal prequalification process. - For guidance on hiring qualified and experienced subcontractors, see industry registration, for example: <ul style="list-style-type: none"> - When you need an LBP Licensed Building Practitioners - Electrical Workers Registration Board - NZRAB - Register Search - Find an engineer Engineering NZ - Plumbers, Gasfitters and Drainlayers Board. - If you hire subcontractors, check they can meet all site requirements. <p>2. Identify and understand hazards, risks, and control measures</p> <p>Note that small PCBUs must only manage critical risks. Other PCBUs must manage all risks but prioritise critical risks.</p> <ul style="list-style-type: none"> - Work with the principal contractor and other businesses (including your subcontractors) to identify hazards and risks from your work and from the site and agree on HSWA compliant control measures. - Provide task-specific risk information to inform the site-specific safety planning or similar. - Confirm how your work will affect other trades. <p>3. Understand and agree on site set-up, rules, responsibilities, processes, and schedules</p> <ul style="list-style-type: none"> - Work with the principal contractor and other businesses to agree on how the site will be set up, the processes to follow, and the work schedule so you can meet your health and safety duties. - Work out where you have the same duties and each business's level of influence or control, and agree who is responsible for what. - Make sure you understand the site rules and how your work fits with others. <p>4. Make sure your workers are prepared and have access to safe systems of work</p>

Stage of project	Actions
	<ul style="list-style-type: none"> - Make sure you and your workers complete site inductions, understand site rules, and know how to raise any concerns. - Make sure your workers are qualified, experienced, trained, supervised and authorised for the tasks. - Make sure your workers have the right equipment, suitable plant, and appropriate PPE. For more information, see Personal protective equipment (PPE) WorkSafe.
<p>During construction (the construction work occurs)</p>	<p>1. Follow site rules</p> <ul style="list-style-type: none"> - Follow agreed control measures, work sequencing, and site rules, including the site-specific safety planning. - Use shared facilities and access routes as agreed. <p>2. Engage with workers</p> <ul style="list-style-type: none"> - Engage with workers on task-specific risks and site requirements. <p>3. Consult, cooperate, and coordinate with others on site</p> <ul style="list-style-type: none"> - Consult, cooperate, and coordinate with the principal contractor and other PCBUs suppliers – effective consultation, cooperation and coordination will be reflected in the site-specific safety planning. - Attend the routine site toolbox talks (or similar). - Check the current site-specific safety planning and rules each day that work happens. - Do not alter or change supplied plant or structures, such as scaffolding or safety nets. Communicate changes back to the principal contractor or the supplier/installer. - Respect exclusion zones around other contractors work areas. - Tell the principal contractor if the control measures are not working. Stop work until new control measures are in place. - Work within the agreed timing and sequencing of work.

Stage of project	Actions
	<ul style="list-style-type: none"> - If you cannot follow the agreed sequence, tell the principal contractor so new risks can be assessed and controlled. - Stop and re-coordinate if conditions change or if overlaps create new risks. - Talk with others about your work and how it may affect them. <p>4. Respond to incidents and near misses</p> <ul style="list-style-type: none"> - Advise workers to report hazards, near misses, and incidents as soon as possible. - Make sure you and your workers (including subcontractors) follow the site processes and control measures, including if a notifiable event happens. - Report hazards, near misses, incidents, and notifiable events as soon as possible using HSWA requirements - Support any site preservation or investigation needs in line with HSWA requirements. <p>5. Manage risks from your work</p> <ul style="list-style-type: none"> - Establish exclusion zones around your work areas. - Check regularly that shared facilities and equipment are still suitable for your workers. - Manage the risks your work creates and make sure your work does not create risks for others. - Tell the principal contractor if your work has created or may create a new risk (for example, a floor opening needed because access is limited). - Communicate any hazards you introduce, such as live services, penetrations, or hot work. - Share information early about hazards, overlaps, or changes that could affect others. - Keep your work area safe and tidy. - Identify hazards from your tasks and use the right control measures. - Check that control measures remain effective as site conditions change. - Make sure instructions are clear and followed.

Stage of project	Actions
	<ul style="list-style-type: none"> - Advise workers on site to report hazards, near misses and incidents as soon as possible. <p>6. Monitor performance</p> <ul style="list-style-type: none"> - Check that your subcontractors are following the agreed site processes and control measures.
<p>After construction (construction is complete)</p>	<p>1. Make the site safe when your work is finished</p> <ul style="list-style-type: none"> - Leave your work area safe and tidy. - Remove or secure your plant and materials. - Secure or isolate any hazards you created, such as temporary power or openings. <p>2. Hand over to the principal contractor / main PCBU</p> <ul style="list-style-type: none"> - Tell the principal contractor what work is complete and whether any risks or special conditions remain. - Provide any information needed for safe operation, maintenance, or future work. <p>3. Share and use lessons learned</p> <ul style="list-style-type: none"> - Take part in lessons learned discussions if asked, including what went well or what was difficult in consultation, coordination, or communication.

Example 6: Working at height; consult, cooperate and coordinate

Weta Builders Limited is building four two-storey townhouses. Hine from Weta brings in Tasman Edge Scaffolding to set up a scaffold system that different trades can safely use. The scaffold is designed to minimise the risk of falls and falling objects throughout each phase. Weta keeps in close contact with the tradespersons onsite and Tasman Edge Scaffolding to make sure the scaffolding stays fit for purpose as the job progresses.

Once the trusses are delivered, Roofing Services arrives to start roof work. Before anyone climbs up, Adam, the leading hand, checks the scaffolding from the ground and walks around each lift. He can see that the working platform is not at the right height to protect workers from a fall. He contacts Hine at Weta, who organises Tasman Edge Scaffolding to adjust the scaffold. Everyone agrees that roofing will pause until the scaffold is reset and inspected by qualified scaffolders.

After the adjustments are completed and checked, Roofing Services begins work. After considering if it was practical to prevent or catch any falling objects, Adam instead sets up exclusion zones below the scaffold to protect others from falling tools and materials and lets Hine know where these are. Weta confirms no other trades are scheduled on site during the roof install, ensuring clear coordination and safe use of the scaffold throughout the roofing phase.

Example 7: Excavation and weather impacts

When Manu, the Principal Contractor, took on a new residential build on a steep hillside, he knew the consent conditions were tight because of how close the neighbouring homes sat above the site. He engaged Mike, an experienced earthworks contractor, making sure he had the skills and gear needed for the job. Before any work started, Manu sat down with him to run through the consent conditions and the geotechnical requirements to confirm the height and profile of the cut slope adjacent to the property boundary.

Before excavation, Manu, Mike and Sarah (the Geotechnical Engineer), completed a full prestart walkover. They talked through the hazards, the excavation method, and the tight site access, and they agreed on exactly where to set up monitoring points. With everyone on the same page, Mike began the excavation, following the planned staging and checking in with Sarah at each geotech holdpoint to confirm the cut was progressing as expected.

Halfway through the job, heavy rain rolled in over the weekend, soaking the partly excavated slope. Mike was not comfortable starting up again without re-checking the site's stability. First thing on Monday morning, he rang Sarah, who agreed to swing by before work resumed. She inspected the area, checked all the exposed soil faces, and confirmed that there was no need for changes to the method or extra monitoring. As a courtesy, and with approval from Manu, Sarah also met with the neighbour to check they had no concerns with the works. Manu was updated straight away so planning could continue smoothly.

With the green light from Sarah, Mike was comfortable to carry on the excavation while Manu kept an eye on safety, site access and compliance. The crew worked steadily through to completion and Sarah signed off the final slope stability.

Thanks to clear communication, sound planning, and good clarity of roles (with everyone taking responsibility for their piece), the project wrapped up safely and was fully compliant with the consent conditions.

7.0 Subcontractors

7.1 Who is this section for?

- 7.1.1 This section is for PCBUs (contracting businesses or sole traders) hired to carry out specific construction tasks on a residential construction project (called “subcontractors” here).
- 7.1.2 They may be hired by another contractor or the principal contractor, but sometimes the client hires them directly.
- 7.1.3 They may have the same duties as a contractor, but may be on site for short, occasional, or full-project periods.
- 7.1.4 A subcontractor needs to carefully manage who they work with and how they work with others and check current site control measures whenever they are onsite.



- 7.1.5 As PCBUs, subcontractors have a primary duty of care. They **must** ensure, so far as is reasonably practicable:
- the health and safety of their workers and any workers they influence or direct
 - that the health and safety of other persons is not put at risk from their work.
- 7.1.6 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.
- 7.1.7 PCBUs **must** consult, cooperate and coordinate their responsibilities and activities with other PCBUs/businesses that have the same duty.

- 7.1.8 In most cases, the subcontractor has the most influence and control over their work activities and workers. However, all PCBUs remain responsible for meeting their own health and safety duties.
- 7.1.9 To meet the HSWA Section 34 duty to consult, cooperate and coordinate, follow the actions in Table 7. See Part C for what consulting, cooperating and coordinating under HSWA means.

7.2 What are a subcontractor's actions during a project?

7.2.1 Table 7 sets out the actions that sub-contractors take at each stage of a residential construction project to manage health and safety well.

Table 7: Actions for subcontractors

Stage of project	Actions
<p>Before construction starts</p> <p>(set up the site and site processes/ procedures)</p>	<p>1. Identify and understand hazards, risks and control measures</p> <p>Note that small PCBUs must only manage critical risks. Other PCBUs must manage all risks but prioritise critical risks.</p> <ul style="list-style-type: none"> - Work with the principal contractor, the contractor, and any other businesses working on site to identify hazards and risks from your work and from the construction site and agree on HSWA compliant control measures. - Provide task-specific risk information to inform the site-specific safety planning. - Confirm how your work will interact with other trades. <p>2. Understand and agree on site set-up, rules, responsibilities, processes, and schedules</p> <ul style="list-style-type: none"> - Work with the principal contractor, the contractor and other businesses on site to agree on site set-up, processes and the work schedule so you can meet your health and safety duties. - Work out where you have the same duties and each business's level of influence or control and decide who is responsible for what. - Understand the site rules and how your work fits alongside others. <p>3. Make sure your workers are prepared and have safe systems of work</p> <ul style="list-style-type: none"> - Make sure you and your workers complete site inductions, understand site rules, and know how to raise concerns. - Make sure your workers are qualified, experienced, trained, supervised, and authorised for their tasks.

Stage of project	Actions
	<ul style="list-style-type: none"> - For guidance on hiring qualified and experienced workers, see industry registration, for example: <ul style="list-style-type: none"> - When you need an LBP Licensed Building Practitioners - Electrical Workers Registration Board - NZRAB - Register Search - Find an engineer Engineering NZ - Plumbers, Gasfitters and Drainlayers Board. - Make sure your workers have the right plant, equipment, and PPE. For more information, see Personal protective equipment (PPE) WorkSafe.
<p>During construction (the construction work occurs)</p>	<p>1. Follow site rules</p> <ul style="list-style-type: none"> - Follow agreed control measures, work sequencing, and site rules including the site-specific safety planning. - Use shared facilities and access routes as agreed. <p>2. Engage with workers</p> <ul style="list-style-type: none"> - Brief workers on task-specific risks and site requirements. <p>3. Consult, cooperate, and coordinate with others on site</p> <ul style="list-style-type: none"> - Consult, cooperate, and coordinate with the contractor, principal contractor, and other PCBUs suppliers – effective consultation, cooperation and coordination will be reflected in the site-specific safety planning. - Attend the routine site toolbox talks (or similar). - Check the current site-specific safety planning and rules. - Tell others when your work could affect them. - Do not alter or change supplied plant or structures, such as scaffolding or safety nets. Communicate changes back to the principal contractor or the supplier/installer. - Respect exclusion zones around other contractors work areas.

Stage of project	Actions
	<ul style="list-style-type: none"> - Tell the contractor or principal contractor if control measures are not working. Stop work until new control measures are in place. - Work within the agreed timing and sequencing. - If you cannot meet the agreed sequencing, tell the contractor or principal contractor so new risks can be assessed and controlled. - Tell the contractor or principal contractor if your work has created or may create new risks, such as needing to create an opening in the floor for access. - Report hazards, near misses and incidents as soon as possible. - Stop and re-coordinate if conditions change or if work overlaps create new risks. - Talk with others on-site about your work and how it may affect them. <p>4. Manage risks from your work</p> <ul style="list-style-type: none"> - Establish and maintain exclusion zones around your work areas. - Check regularly that shared facilities and equipment are still suitable for your workers. - Manage the risks you create and make sure your work does not create risks for others. - Tell the principal contractor if your work has created or may create new risks. - Communicate hazards you introduce, such as live services, penetrations, or hot work. - Share information early about hazards, overlaps, and changes that could affect others – good coordination and early communication are essential. - Keep your work area safe and tidy. - Identify hazards in your tasks and use the right control measures. - Check that control measures remain effective as conditions change. Make sure instructions are clear and followed. - Advise workers on site to report hazards, near misses and incidents as soon as possible using HSWA requirements

Stage of project	Actions
	<ul style="list-style-type: none"> - Support any site preservation or investigation needs in line with HSWA requirements. <p>5. Respond to incidents and near misses</p> <ul style="list-style-type: none"> - Make sure you and your workers follow all agreed site processes and control measures, including what to do if a notifiable event occurs. - Advise workers to report hazards, near misses, and incidents as soon as possible. - Report hazards, near misses, incidents, and notifiable events as soon as possible. - Support any site preservation or investigation requirements.
<p>After construction (construction is complete)</p>	<p>1. Make the site safe when your work is completed</p> <ul style="list-style-type: none"> - Leave your work area safe and tidy. - Remove or secure your plant and materials. - Secure or isolate hazards you created, such as temporary power or openings. <p>2. Handover to the principal contractor/main PCBU</p> <ul style="list-style-type: none"> - Tell the contractor or principal contractor what work is complete and whether any risks or special requirements remain. - Provide any information needed for safe operation, maintenance, or future work. <p>3. Share and use lessons learned to improve future work</p> <ul style="list-style-type: none"> - Share lessons learned including what worked well or did not work well in consultation, coordination, or communication.

Example 8: Flooring installation – ongoing risk management

Hemi, the lead builder, calls Stuart, who is due to lay the new laminate flooring, the day before he is due on site. After talking to Stuart before the construction started, Hemi knows the biggest risk is not from the flooring work itself, it is getting safely to the house through uneven ground, open trenches, and moving vehicles.

As previously agreed, Hemi makes sure that Stuart is clear on the safest way to enter the site, where to park, and sends him a quick map so he knows what to expect.

When Stuart arrives the next morning, Hemi meets him at the gate and walks him in. Because he will only be there for a day or two, Hemi points out any new hazards and the other activities happening on site that day. Hemi shows Stuart the area set aside as his working zone. With no other trades working inside the house, the risks are low, and Stuart will be able to focus on his own tasks.

Later in the week, Stuart returns and finds painters and electricians working nearby. Hemi steps in straight away, reminding everyone about the trip hazards of loose flooring and that flooring installers work low to the ground and are easy to miss. He re-establishes Stuart's work zone and makes sure other trades keep clear of completed flooring and avoid walking through his space.

Example 9: Tiling installation – emerging hazard

At a busy residential site, workers from Timu Tiling are waterproofing two bathrooms using a number of solvents. Mark and Kim from Timu Tiling are wearing appropriate masks and gloves to ensure no contamination. Several other trades are working in adjoining spaces.

As the fumes from the solvents start spreading, Ana from Kawe Kitchens notices the fumes. She stops her team and rings the principal contractor, who immediately phones Mark. He asks for both activities to be paused and reminds everyone that tasks creating hazardous products need to be properly separated or controlled. He asks Mark what can be done to stop the fumes spreading, and reinforces that they need to control the risks of their work, to prevent it impacting others. Mark arranges an extraction unit and sets clear exclusion areas to stop cross contamination. With supervision restored and hazardous substance control measures properly managed, both trades safely return to their work.

8.0 Workers

8.1 Who is this section for?

8.1.1 This section is for any individual who carries out work in any capacity for a PCBU on the site.

8.1.2 Workers have duties under the Health and Safety at Work Act 2015 (HSWA).

8.1.3 A worker **must**:

- take reasonable care of their own health and safety, and make sure their actions do not harm others
- co-operate with any reasonable health and safety policies and procedures the PCBU has told them about
- comply, as far as they are reasonably able, with any reasonable instruction from the PCBU so the PCBU can meet its duties (Section 45).

8.1.4 Workers also have duties for any personal protective equipment (PPE) they are required to use/wear.

8.1.5 Workers **must**:

- use and wear PPE
- tell the PCBU as soon as there are any issues with the PPE (for example, if it no longer fits properly, is broken, or needs to be cleaned or decontaminated).

8.1.6 To meet the HSWA Section 45 worker duties, follow the actions in Table 8.

8.2 What are a worker's actions during a project?

8.2.1 Table 8 sets out the actions workers take at each stage of a residential construction project to manage health and safety effectively.

Table 8: Actions for workers

Stage of project	Actions
Before construction starts (set up the site and site processes/procedures)	<ul style="list-style-type: none"> - Attend the site induction and make sure you understand the site rules. - Know who is in charge, and how to raise safety concerns or report hazards.

Stage of project	Actions
	<ul style="list-style-type: none"> - Make sure you are trained, qualified, and authorised to do your tasks. - Ask questions if you are unsure about anything.
<p>During construction (the construction work occurs)</p>	<ul style="list-style-type: none"> - Attend the routine site toolbox talks (or similar). - Check the current site-specific safety planning and rules each day. - Follow reasonable instructions, site procedures, and agreed control measures. Co-operate with all health and safety policies. - Use PPE correctly and keep it clean and in good condition. For more information, see Personal protective equipment (PPE) WorkSafe. - Do not alter or change supplied plant or structures, such as scaffolding or safety nets. Communicate any changes back to the principal contractor or the supplier/installer. - Respect exclusion zones around other contractors' work areas. - Work safely with others. Respect exclusion zones and barriers. - Ask questions if you are unsure. - Report hazards, near misses, and incidents as soon as possible. - Know who to speak to if something feels unsafe.
<p>After construction (construction is complete)</p>	<ul style="list-style-type: none"> - Leave your work area safe and tidy. - Return tools and equipment as required. - Take part in any debrief or lessons-learned session. - Share what caused confusion, where work overlaps did not go well, and what would help make future work safer.

8.3 Related worker scenarios

Example 10: Isolated working

John, a painter, is working on a new two-storey townhouse build for Better Builders Limited. He is up on a scaffold finishing some exterior work. The head builder on the job is Lui, but he is off-site picking up materials.

A neighbour, Simone, pops over because she is worried about a loose bit of fencing along the boundary. She walks onto the site looking for whoever's in charge and spots John up on the scaffold.

John is confident with the hazards in his own work area, but English is not his first language and he is not comfortable giving directions to visitors. Still, he knows the site rules around visitors to the site. From the scaffold, he politely asks Simone to step back outside the site fencing and to look at the site board for Lui's number so she can call him.

Simone does this, calls Lui, and waits outside the site as instructed.

When Lui arrives, he greets her and walks her through the key hazards on site that day, including John working at height and tools and materials set out along the path. They head over to look at the fencing together and talk about what needs to happen next.

9.0 Residential homeowners/occupiers

9.1 Who is this section for?

9.1.1 This section is for you if you are a:

- residential landowner getting a house built for you to live in or building a house yourself
- residential homeowner/occupier making alterations to your existing home or engaging businesses to do the work.

9.1.2 If you are doing any of these activities, you have health and safety duties. Your duties depend on the type of construction project and your role in it.

9.1.3 This section explains what those duties are and when they apply and how to meet your duties.

9.2 Residential landowners building a new house to live in

9.2.1 If you are getting a house built or building it yourself, you are a business (PCBU) while the construction is underway. This applies until the build is completed and you have moved in.

9.2.2 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

9.2.3 How you meet your duties will depend on whether you hire a business to manage the construction or manage it yourself.

9.2.4 Use the flowchart in Figure 4 to work out what your duties are, and what actions to take.

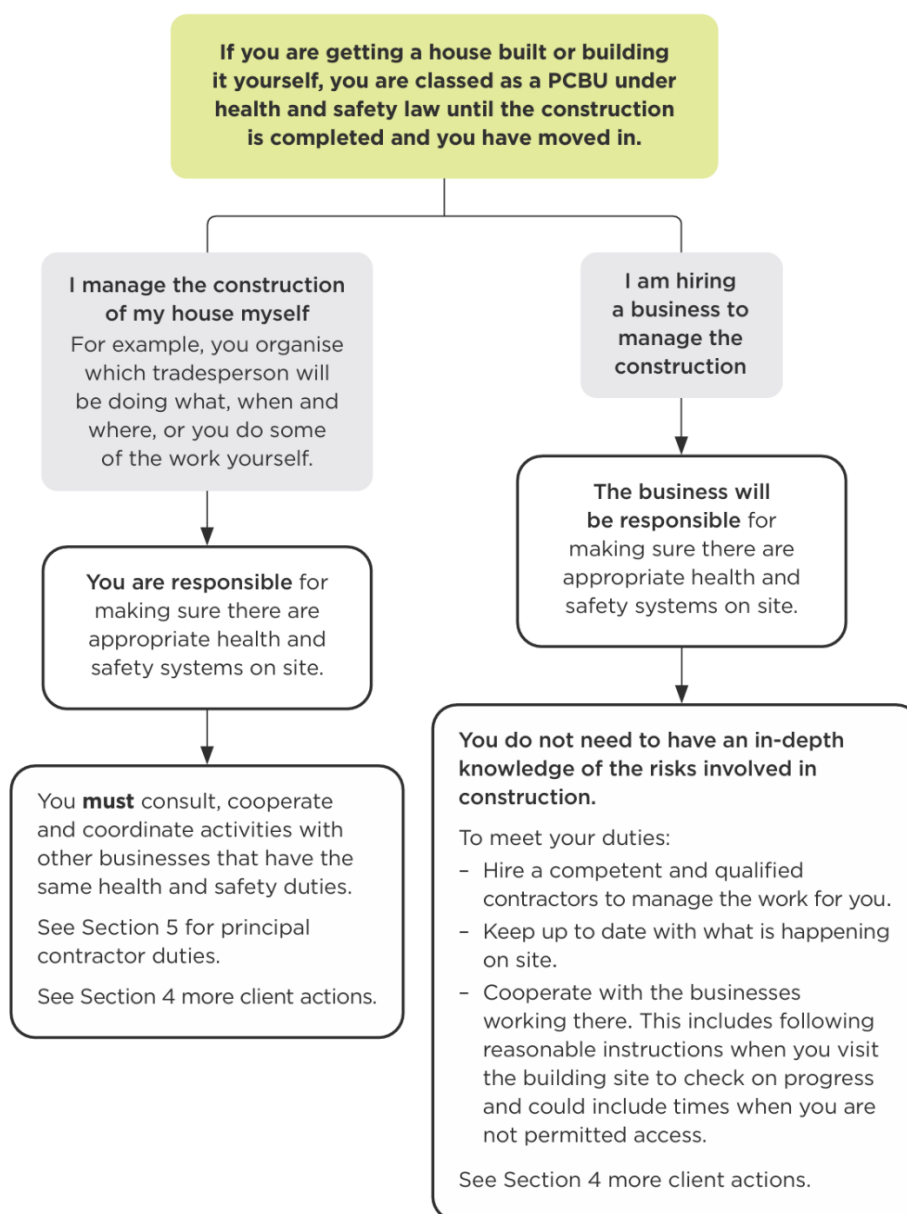


Figure 4: Flowchart to determine responsibilities when building a new home

Example 11: Vehicle access and parking during a new build

Sam from Moanavale Builders has been engaged by the homeowner, Wiremu, to construct a new house on a residential street under a granted building consent. Wiremu understands the build will involve frequent vehicle movements and supports early planning to reduce risks to neighbours and road users.

After ringing the Council (the road controlling authority) to ask about the local roads and traffic, and to check for anything that may affect the usual road use, such as planned road closures due to maintenance or events, the principal contractor, Sam, the builder, gathers his contractors together.

They discussed what the potential risks are, and what control measures, processes and procedures will be put in place.

With no formed driveway yet, they considered how construction vehicles will access the site and how deliveries, concrete trucks, and tradespeople's vehicles could interfere with the use of the footpath and road by pedestrians, cyclists, and neighbours.

Sam talked to the Council and agreed that a temporary traffic management plan is required. He then rang a local traffic management services company to get them to come over and give advice. Sam talked to Wiremu about the parking and delivery agreements. They also discussed how Wiremu could safely visit the site. They agreed that Wiremu would ring up Sam at least 24 hours before a visit to find out the best time to visit, how to safely access the site and where to park his vehicle.

Each day before work starts, Sam briefs all contractors/ subcontractors on agreed parking and delivery arrangements. Sam makes it clear that these arrangements are to be followed and to raise any issues directly with him.

As the build progresses, Sam monitors changing conditions and updates control measures in consultation with his contractors. Sam keeps Wiremu up to date with progress on the site, and when there are any changes to the requirements for Wiremu visiting the site. Wiremu supports the decisions that prioritise safety for workers and others.

9.3 Homeowners altering an existing house

9.3.1 If you are altering an existing house, your duties depend on whether you:

- live in the house (are classed as a home occupier)
- run a business from the house
- are making the changes for the business
- are managing the construction.

9.3.2 Use the flowchart in Figure 5 to work out your duties when doing house alterations and the actions to take to meet them.

9.3.3 For residential landlords (PCBUs):

- If your tenant is not involved in the alterations, they are classed as 'other persons' on the site. You **must** ensure, so far as is reasonably practicable that their health and safety is not put at risk from the work. See Example 1.
- If your tenant hires a business to do the alterations, or does the work themselves, they are classed as a PCBU.

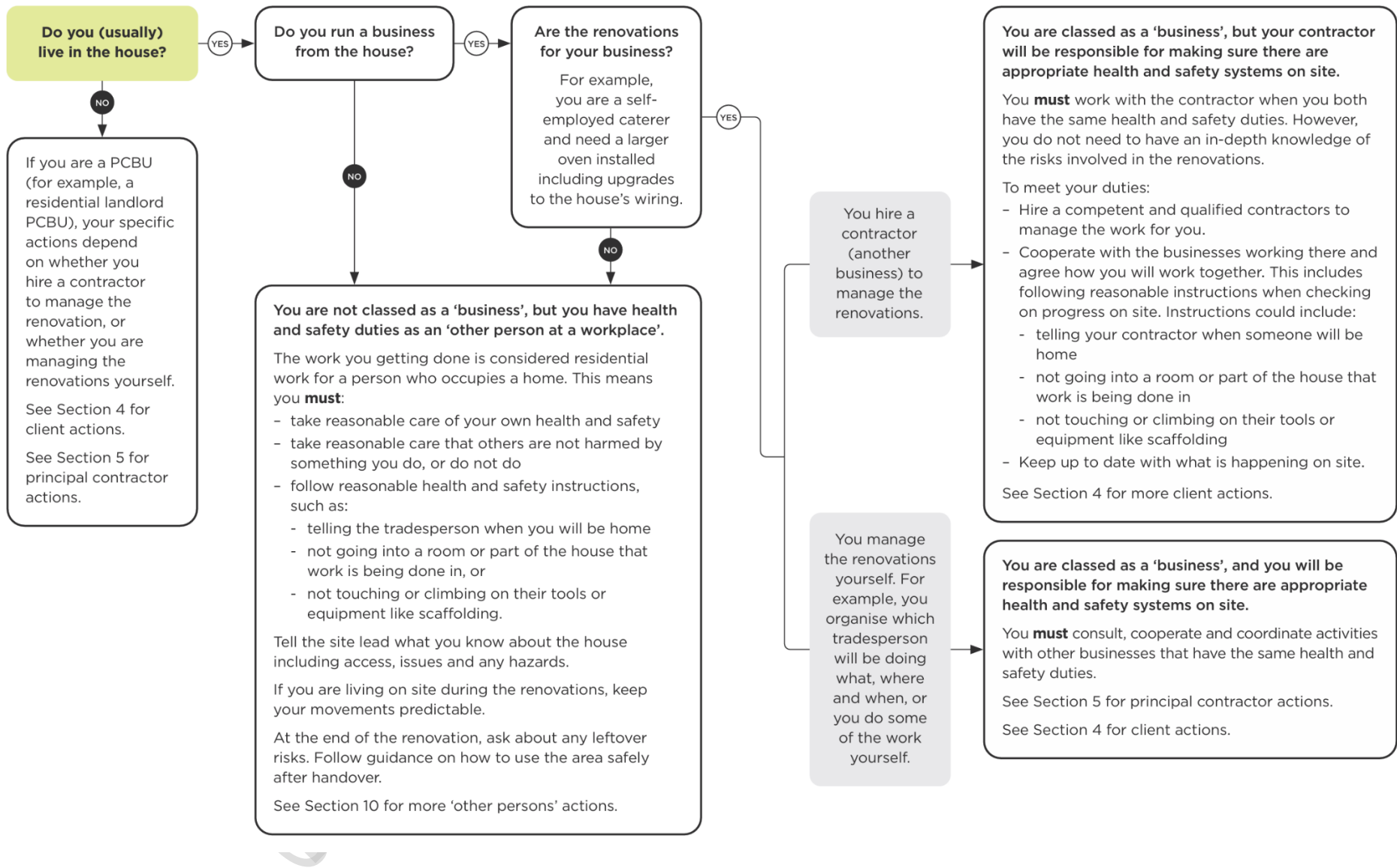


Figure 5: Flowchart to determine duties for building alterations

Example 12: Kitchen replacement in a home

Anika owns her house and lives there full time. She is getting her kitchen renovated and, after being advised by Marko from the renovation company, checks the WorkSafe website, and realises she is treated as an other person at the workplace while the tradespeople are on-site.

Anika now understands her basic duties, to look after her own safety, make sure she doesn't put the workers at risk, and follow any reasonable instructions they give her.

In practice, this means she tells Marko, when she will be home, stays out of the kitchen while work is underway, and does not touch tools, ladders, or the small scaffold set up for the overhead cupboards.

By keeping things simple and following the safety plan, the renovation runs smoothly and everyone stays safe.

Example 13: Home alterations for a home-based business

Luca owns his home and runs a small catering business from it. His catering kitchen needs a proper upgrade, and because the renovation is for his business, he knows his PCBU duties apply.

He hires Mike, an experienced builder, to manage the project. Mike brings in skilled tradespeople and sets up the health and safety systems on site, involving Luca and the other workers from the start. He checks regularly that everything is being managed safely and works with the other PCBUs whenever improvements or adjustments are needed.

Mike keeps Luca updated on how the job is progressing and lets him know whenever they need to meet to talk through any issues. He also gives him clear health and safety instructions (like when to stay out of the work area or what equipment is not to be touched).

With everyone communicating and doing their part, the renovation runs smoothly and safely.

Example 14: Home alterations not linked to a home-based business

Michael owns his home and lives there with his whānau. He runs a small business supplying herbs to a local distribution business out of a glasshouse and garage on the back of the house. When his home kitchen starts falling apart, he decides it is time for a renovation and brings in Arlo, a local builder.

At first, Michael is not sure what his health and safety responsibilities are. He has heard the term PCBU before but does not really know what it means. Arlo explains that because the renovation is not connected to his

herb business, his PCBU duties do not apply here. Instead, he is treated as another person at the workplace while the tradespeople are on-site.

That means Michael just needs to:

- take reasonable care of his own safety
- make sure he does not do anything that could put workers at risk
- follow any health and safety instructions the team gives him.

Michael keeps out of the kitchen while work is underway, lets Arlo know when clients will be coming and going, and follows his instructions about which areas to avoid.

10.0 Other persons on site

10.1 Who is this section for?

- 10.1.1 This section is for people who come onto the site but are not doing construction work. This includes visitors, neighbours, friends, and family.
- 10.1.2 In some cases, a homeowner/home occupier may be an 'other person' at the construction site. See Section 9 to find out what these are.
- 10.1.3 For tenants of residential landlords:
- If a home has tenants during a building alteration project and they are not doing any of the work or commissioned the work, they are classed as 'other persons' on the site.
 - If a tenant is a 'home occupier' and hires a business to do alteration work, or does the work themselves, they have the same health and safety duties as a 'homeowner' in the same situation. See Section 9.0.

10.1.4 An 'other person' **must**:

- take reasonable care for their own health and safety
- take reasonable care that others are not harmed by something they do, or do not do
- comply, as far as they are reasonably able, with reasonable health and safety instructions from the PCBU so the PCBU can meet its duties (HSWA Section 46).

10.1.5 Other persons also have duties for any personal protective equipment (PPE) they are required to use/wear.

10.1.6 Other persons **must** wear or use PPE according to any information, training, or instruction they are given.

10.1.7 To meet the HSWA Section 46 other persons duties, follow the actions in Table 9.

10.2 What are an 'other person's' actions during a project?

10.2.1 Table 9 below sets out the actions that other persons on site take at each stage of a residential construction project.

Table 9: Actions for other persons at the construction site

Stage of project	Actions
Before construction starts (set up the site and site processes/ procedures)	<ul style="list-style-type: none"> - Know who is in charge of the site. - Agree when and how you can access the area. - Follow the instructions from the principal contractor about how to visit the site before construction starts.
During construction (the construction work occurs)	<p>Take reasonable care</p> <ul style="list-style-type: none"> - Look after your own health and safety. - Do not do anything that could put workers or others at risk. <p>Follow site instructions</p> <ul style="list-style-type: none"> - Follow instructions from the principal contractor, site controllers or workers when visiting the site. - Respect site rules, signage, and access control measures. - Use personal protective equipment (PPE) if you need to. For more information, see Personal protective equipment (PPE) WorkSafe. - Do not disrupt work. - Keep children, pets, and vehicles out of work areas. <p>Stay within permitted areas</p> <ul style="list-style-type: none"> - Stay only in areas you are allowed to be in. - Do not cross or adjust barriers. - Stay out of work zones, exclusion areas, and restricted spaces. - Do not interfere with control measures. - Do not move barriers, cones, fencing, signs, or isolations. - Do not touch or interfere with tools, plant, structures (for example, scaffolding) or materials. <p>Report concerns</p> <ul style="list-style-type: none"> - Tell the site contact if you see anything that looks unsafe.
After construction (construction is complete)	<ul style="list-style-type: none"> - Follow any remaining control measures, such as restricted areas, while the site is being cleared.

11.0 Officers

11.1 Who is this section for?

- 11.1.1 This section is for officers of businesses or sole traders that are hired or contracted to do work on a residential construction project.
- 11.1.2 Under the Health and Safety at Work Act 2015 (HSWA), officers are responsible for making sure their organisation has effective health and safety management throughout every stage of a residential construction project.
- 11.1.3 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.



- 11.1.4 As an officer, you **must** exercise due diligence to ensure that the business complies with the duties and responsibilities.

- 11.1.5 Due diligence means taking reasonable steps to:
- understand and keep up to date with the nature of the business operations and its hazards and risks, and general business-related work health and safety matters
 - make sure the business has appropriate resources and processes to eliminate or minimise those risks, and check that the business uses them
 - make sure there are appropriate processes for receiving and considering information about incidents, hazards and risks, and for responding in a timely way
 - make sure the business has processes for complying with HSWA duties and obligations and implements them
 - verify these resources and processes are in place and being used (HSWA Section 44).

- 11.1.6 An officer's duties exclude activities they carry out in another role within the business, for example as a worker.

- 11.1.7 To meet the HSWA Section 44 officer duties, follow the actions in Table 10.


11.2 What are officers' actions during a project?

11.2.1 Table 10 below outlines the actions officers take at each stage of a residential construction project.

Table 10: Actions for officers

Stage of project	Actions
Before construction starts (set up the site and site processes/ procedures)	<ul style="list-style-type: none"> - Acquire and keep up-to date about work health and safety matters. - Gain an understanding of the nature of the business operations and associated hazards and risks. - Make sure the organisation has the right resources and processes to manage health and safety risks and to meet other health and safety duties. - Check that health and safety duties are factored in all planning, procurement, and contracting decisions.
During construction (the construction work occurs)	<ul style="list-style-type: none"> - Monitor health and safety systems to make sure they are working as intended. - Check that incidents and any non-compliance are managed properly, and that control measures stay in place throughout the project.
After construction (construction is complete)	<ul style="list-style-type: none"> - Review how well health and safety was managed during the project. - Make sure lessons learned are recorded and that processes are updated to support continual improvement.

PART C Businesses consulting, cooperating and coordinating with each other

Term or symbol	Meaning in this document
PCBU/business	Person conducting a business or undertaking. Sometimes called 'business' in this draft ACOP.
'you'/'your'	Refers to the PCBU or business.
' must ' and/or 	Shows a legal requirement under HSWA or its regulations. You must follow these requirements.
'make sure', 'do not', 'check' or similar wording	Actions to take to comply with this draft ACOP. For safe harbour to apply, duty holders need to follow all the actions set out in the ACOP to comply with the stated HSWA duty. If a duty holder follows most, but not all, actions they may still meet their duty, but safe harbour will not apply.
Blue shading	Content based on proposed changes to the Health and Safety at Work Act.

12.0 Businesses working together to manage health and safety

12.1 What does this Part cover?

12.1.1 This Part explains:

- the legal requirements for businesses to consult, cooperate and coordinate when they have the same health and safety duties (overlapping duties)
- when more than one business can have the same duty for a workplace, work activities, or person
- examples of these duties
- how to consult, cooperate and coordinate to meet health and safety duties.

12.2 Working together when multiple businesses have the same duties

12.2.1 A business (PCBU) may have more than one duty.

12.2.2 More than one business may have the same duty. These duties are sometimes called “overlapping duties”. For more information, see [Overlapping duties | WorkSafe](#).

12.2.3 Businesses that work together can have the same health and safety duty for a workplace, work activity or person.



12.2.4 When multiple businesses have the same duty, each business **must**, so far as is reasonably practicable:

- consult with each other
- cooperate with each other
- coordinate their activities.

12.2.5 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

12.3 Businesses can have the same duties when sharing a workplace

- 12.3.1 Businesses do not need to have a contract with each other to have the same duties. This can happen in shared workplaces, such as when different contractors work close to each other.



Figure 6: Contractors working in proximity

12.4 Businesses can have the same duties when in contracting chains

- 12.4.1 More than one business can have same duties in a contracting chain. This happens when contractors and subcontractors provide services to a principal contractor or client. This can happen in both simple and more complex contracting chains.

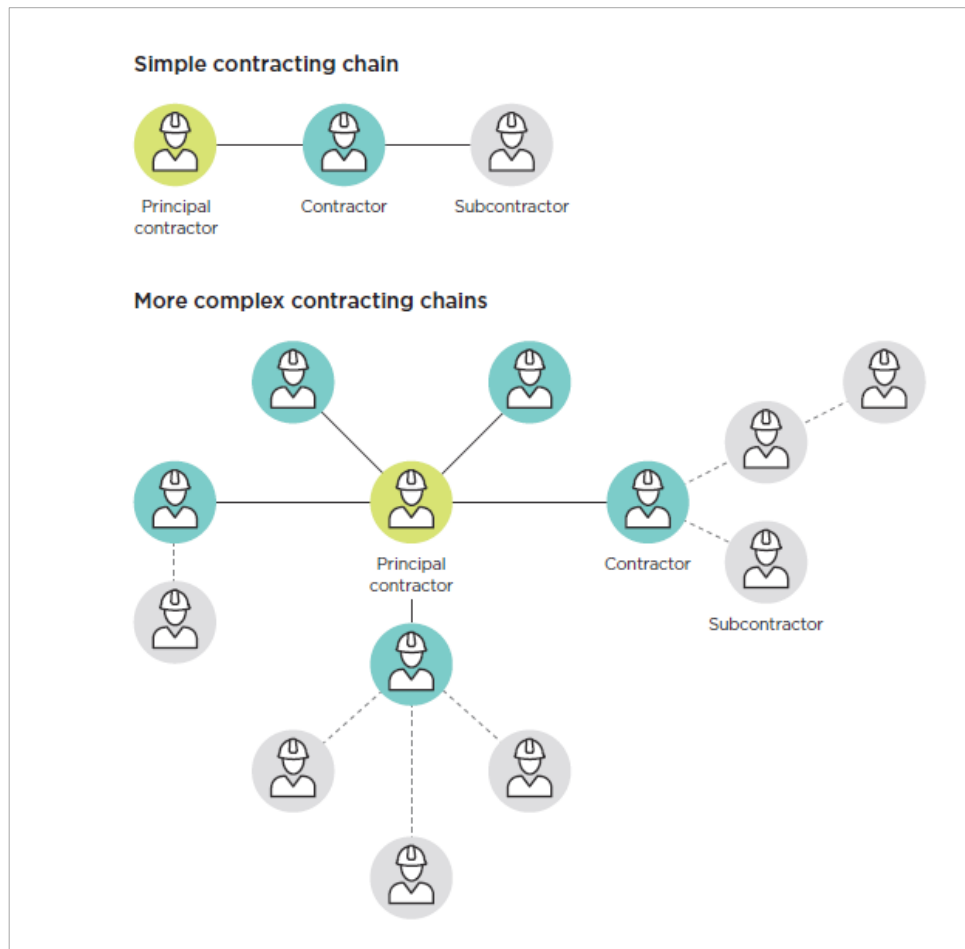


Figure 7: Simple and more complex contracting situations

12.5 Principal contractors, contractors, and subcontractors will have duties for the same workers

12.5.1 As shown in Figure 8, under the Health and Safety at Work Act 2015 (HSWA):

- contractors and their employees are considered workers of the principal contractor
- subcontractors and their employees are considered workers of both the principal contractor and the contractor.

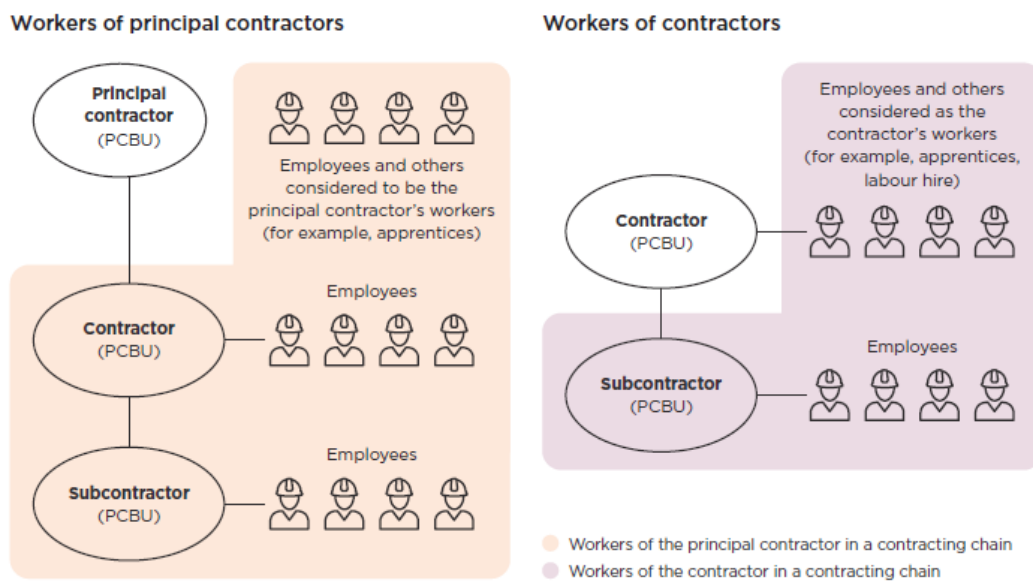


Figure 8: Workers for principal contractors and contractors

12.5.2 Also, a person self-employed as a sole trader is a worker as well as a principal contractor, contractor or subcontractor.

12.6 Examples of health and safety duties that may apply to multiple businesses

12.6.1 Figure 9 shows examples of duties that more than one business may have.

Multiple business can hold the same health and safety duty for the workplace, for the work carried out or for specific workers

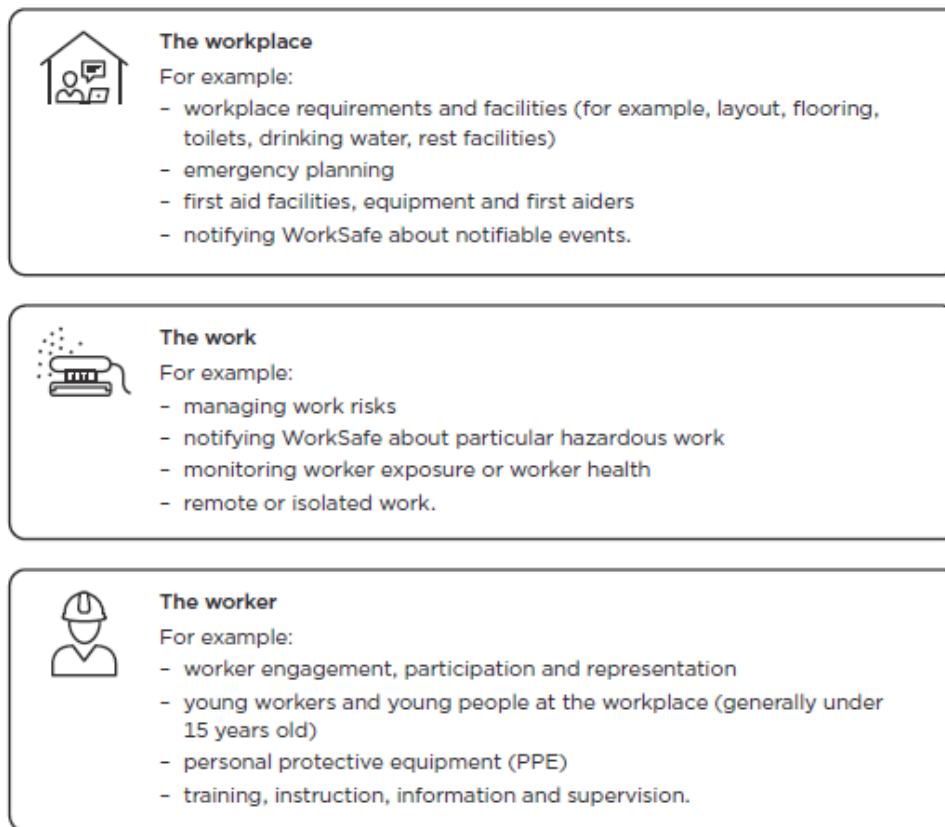


Figure 9: Examples of duties that more than one business may have

12.6.2 Appendix 4 has more detail about these duties and what health and safety activities on residential construction sites could fall under these duties.

12.6.3 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

12.6.4 Other legal duties may also apply. For example, if the work involves substances hazardous to health (for example, silica dust, welding fumes), hazardous substances, asbestos, or work under raised objects or falling objects.

12.7 What does it mean to consult, cooperate and coordinate?

12.7.1 Figure 10 explains how to consult, cooperate and coordinate.

12.7.2 Small PCBUs **must** only manage critical risks. For all other HSWA and regulatory requirements, they **must** prioritise critical risks over other risks. Other PCBUs **must** manage all risks but prioritise critical risks.

Draft for public consultation

Consulting, cooperating and coordinating

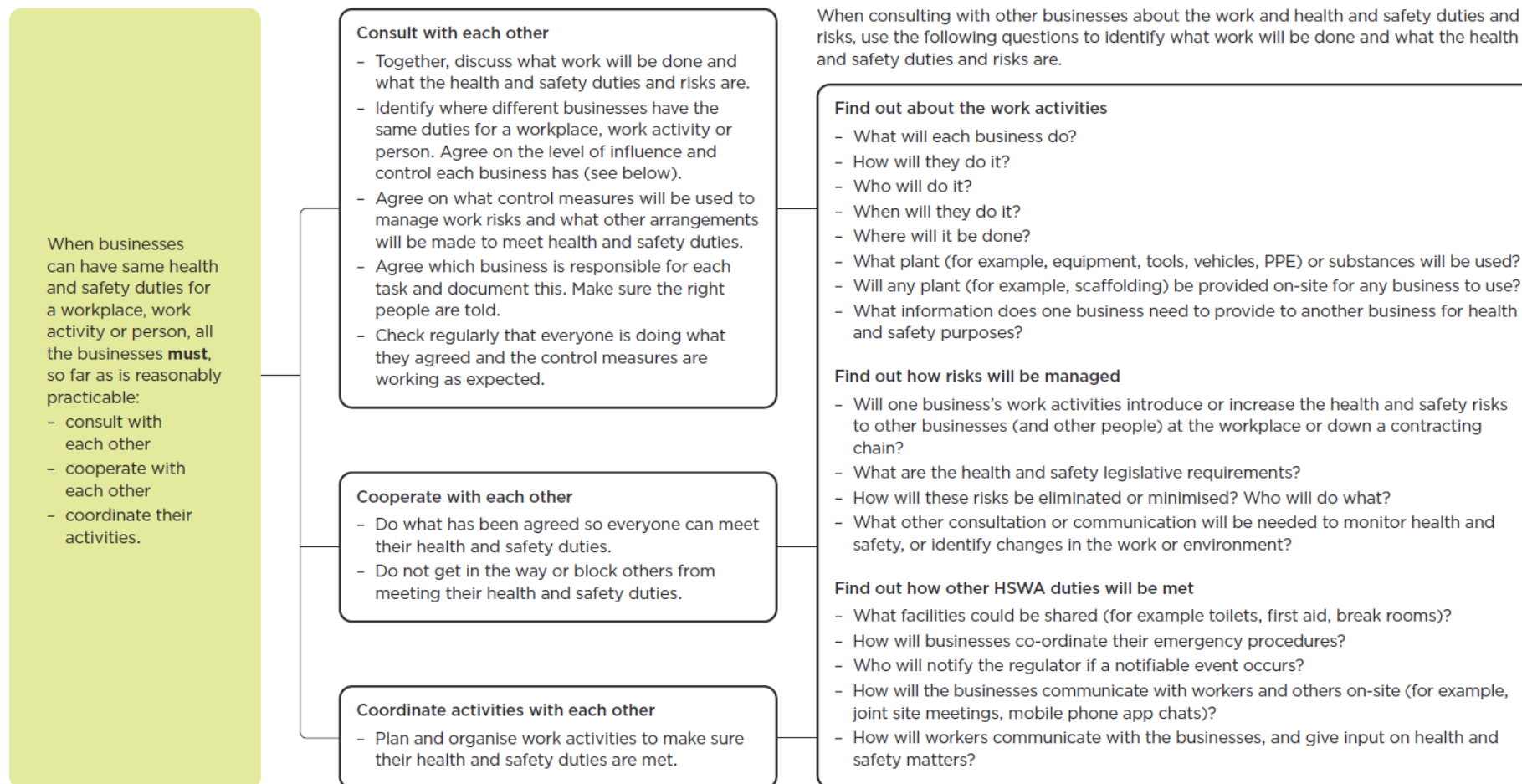


Figure 10: How to consult, cooperate and coordinate with other businesses

12.8 Each business's responsibilities will depend on its ability to influence and control



12.8.1 When PCBUs have the same health and safety duties, each PCBU **must** meet these duties to the extent it can (or would have but for an agreement or arrangement purporting to limit or remove that ability) influence and control the matter (the workplace, work activity or person).

12.8.2 A business with the most influence and control is likely to be in the best position to deal with the matter.

12.8.3 Figure 11 shows how to work out the level of influence and control each business has. The level of influence and control can change as the work progresses.

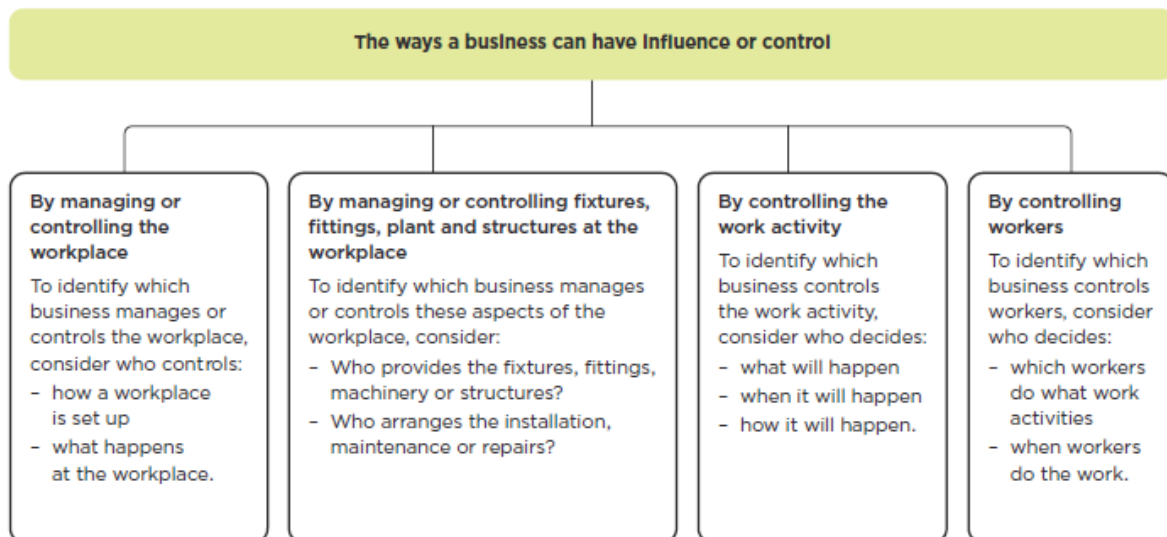


Figure 11: How businesses can have influence and control

12.9 Businesses working together cannot transfer their health and safety duties to other businesses

12.9.1 For how to consider influence and control, see Example 15.

12.9.2 Each PCBU is still responsible for meeting their own duties.



12.9.3 Duty holders may not transfer health and safety duties to others.

12.9.4 Businesses do not need to duplicate each other's efforts. PCBUs may work together and make reasonable agreements about how duties will be managed, to the extent which they have the ability to influence and control the matter.

Example 15: Setting up health and safety roles on a new build

Matiu was the head builder for a new house in West Auckland. Before any work started, he organised a video call with all the contractors and subcontractors together, Sarah the electrician, Taufua the plumber, and Mark the roofer.

They talked through the whole job and discussed what each trade would do, when they would be on site, and what they needed to keep their teams safe. Matiu talked through the current access via Google street view and emailed everyone the proposed site plane which included accessways, scaffold areas, where they would store materials, and where the temporary fencing would go.

Together, they talked about the likely risks. These included excavation work, working at height and the movement of people and materials on a small site. Everyone agreed what they needed to manage those risks.

They agreed the contractors had the most influence and control over the work that will be carried out and their workers. When two or more trades have the same duties or worked around the same hazards, they agreed who had the most control. That person or team would take the lead for that task.

They agreed that as Matiu controlled the worksite, he would be responsible for the overall site setup (including site procedures) and the ongoing running of the site. Before construction began his jobs were to:

- make sure fencing, signs, and accessways were in place
- check that the agreed procedures and control measures were set up on site
- tell each contractor when the site was safe and ready for their team to start work.

The contractors liked having a clear starting point. It meant they could bring their workers in without surprises.

Once the build started, Matiu kept an eye on the whole site. He was the main contact for health and safety. When each trade began their work, they were responsible for their own team and tasks, for example Taufua checked the trench shields and excavation control measures and Mark checked the roof edge protection stayed in place.

Everyone kept Matiu updated as the job went on. If a control measure did not work well or a new risk appeared, the contractor and Matiu fixed the problem together and quickly.

When a contractor finished their work, control of that area went back to Matiu. He checked the area was tidy, safe, and ready for the next trade.

Appendices

Appendix 1 Glossary

Term	Definition
ACOP/approved code of practice	Sets out WorkSafe’s expectations about how to comply with legal duties imposed by the Health and Safety at Work Act (HSWA) and regulations. Other practices can be used to achieve compliance as long as the level of health and safety is equivalent to, or higher than, that in the ACOP.
Alter	alter , in relation to a building, includes to rebuild, re-erect, repair, enlarge, and extend the building
Building work	<p>building work—</p> <p>(a) means work that is either of the following:</p> <ul style="list-style-type: none"> (i) for, or in connection with, the construction, alteration, demolition, or removal of a building; (ii) on an allotment that is likely to affect the extent to which an existing building on that allotment complies with the building code; and <p>(b) includes sitework; and</p> <p>(c) includes design work (relating to building work) that is design work of a kind declared by the Governor-General by Order in Council to be restricted building work for the purposes of this Act (see subsection (2)); and</p> <p>(d) in Part 4, and the definition in this section of supervise, also includes design work (relating to building work) of a kind declared by the Governor-General by Order in Council to be building work for the purposes of Part 4 (see subsection (2)); and</p> <p>(f) includes the manufacture of a modular component</p>

Term	Definition
Business or undertaking	<p>The usual meanings are:</p> <ul style="list-style-type: none"> - business: an activity usually carried out with the intention of making a profit or gain - undertaking: an activity that is non-commercial in nature (for example, certain activities of a local authority or a not-for-profit group). <p>The term business is used throughout this draft ACOP to denote a PCBU.</p> <p>A business may be a company or a sole trader and refers to the building professional hired to do construction work.</p>
Client	<p>The party (person or organisation) commissioning the work.</p>
Construction site	<p>The area or piece of land on which construction works are being carried out.</p> <p>Used throughout this draft ACOP to denote the workplace as defined in the Act.</p>
Contracting PCBU/Principal	<p>A PCBU that engages another PCBU to do work for them (other than as an employee, apprentice, trainee or volunteer).</p>
Contractor	<p>A PCBU that has been engaged to do work by another PCBU (other than as an employee, apprentice, trainee or volunteer).</p> <p>Contractors and their employees are classed as workers of the contracting PCBU/principal.</p>
Control measure	<p>A way of eliminating or minimising risks to health and safety.</p>
Critical risk	<p>Critical risks are</p> <ul style="list-style-type: none"> - risks that stem from hazards set out in HSWA Schedule 1A, and - risks that are likely to result in a death, a notifiable injury, illness or incident, or an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001.
Duty	<p>A legal obligation.</p>
Duty holder	<p>A person who has a duty under HSWA. There are four types of duty holders – PCBUs, officers, workers and other persons at workplaces.</p>

Term	Definition
Eliminate	To remove the sources of harm (for example, equipment, substances or work processes).
Emergency	<p>An uncontrolled event that has caused, or could cause:</p> <ul style="list-style-type: none"> - loss of life - injury - serious property damage. <p>It can include declarations of civil defence emergencies, catastrophic weather events, bushfires, or other significant incidents.</p>
Emergency plan	An emergency plan is a written procedure that tells people what to do in an emergency. It is part of the site-specific safety planning.
Existing building	<p>An existing building is a building that already exists at the time building work is proposed, as opposed to one being newly constructed.</p> <p>A building is treated as an existing building when:</p> <p>It has already been constructed (lawfully or unlawfully), and</p> <p>The proposed work is an alteration, extension, refurbishment, or change of use, rather than construction from scratch.</p>
Fittings	Items which are not permanently attached to a building structure, such as curtains and shelving.
Fixtures	Items that are permanently attached to a building, such as a toilet pan, electrical sockets and switches.
GRWM Regulations	The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016
Hazard	Anything that can cause harm. Under HSWA, hazard may also “include a person’s behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour)”.

Term	Definition
Hazardous substance	<p>Any product or chemical that has explosive, flammable, oxidising, toxic, corrosive or ecotoxic properties:</p> <ul style="list-style-type: none"> - explosive: explodes or causes explosion - flammable: ignites easily and burns rapidly - oxidising: could be gaseous, solid or liquid and can cause or intensify fire and explosion - toxic: can harm people if it enters the body through contact, being inhaled or ingested. The effects can range from mild to life threatening and can be immediate or long term - corrosive: can cause severe skin burns and eye damage - ecotoxic: is toxic to the environment. <p>Substance hazardous to health is a term defined by law. It means a substance (or product containing a substance) that is known or suspected to cause harm to health.</p> <p>It includes:</p> <ul style="list-style-type: none"> - a substance classified as having toxic or corrosive properties under the Hazardous Substances and New Organisms Act 1996 - a substance for which a prescribed exposure standard exists - a substance specified in a safe work instrument as requiring health monitoring.
Health and Safety at Work Act (HSWA)	<p>The key work health and safety law in New Zealand. All work and workplaces are covered by HSWA unless specifically excluded. The full text of the Act is available on the New Zealand Legislation website.</p>
Must	<p>A mandatory legal requirement under HSWA or regulations.</p>

Term	Definition
New building	<p>A project is treated as a new building when:</p> <ul style="list-style-type: none"> - A building is constructed on a site where no building previously existed; or - An existing building is demolished and replaced; or - The work goes beyond alteration and is assessed as new construction by the building consent authority.
Notifiable event	<p>When any of the following occurs as a result of work:</p> <ul style="list-style-type: none"> - a death - notifiable illness or injury - a notifiable incident. <p>WorkSafe must be notified when a notifiable event occurs.</p>
Notifiable incident	<p>When someone has been immediately exposed to a serious risk to their health and safety because of an unplanned or uncontrolled work incident.</p> <p>For example, exposure to a leaked substance, an electric shock, or the collapse/partial collapse of a structure.</p> <p>See our guidance on what is a notifiable event.</p>
Officer	<p>A person who has the ability to significantly influence the management of a PCBU.</p> <p>This includes, for example, company directors and chief executives. Officers must exercise due diligence to ensure the PCBU meets its health and safety duties.</p>
Other persons at the workplace	<p>Includes workplace visitors and casual volunteers (who are not volunteer workers).</p> <p>These people have their own health and safety duties to take reasonable care to keep themselves safe and to not harm others at a workplace.</p>

Term	Definition
PCBU (person conducting a business or undertaking)	<p>A PCBU means a Person Conducting a Business or Undertaking.</p> <p>It's a broad concept used throughout HSWA to describe all types of modern working arrangements which we commonly refer to as businesses.</p> <p>Most New Zealand businesses, whether large corporates, sole traders, or self-employed, are classed as PCBUs.</p> <p>A PCBU does not include workers or officers of a PCBU, volunteer associations with no employees, or home occupiers that employ or engage a tradesperson to carry out residential work.</p>
Personal protective equipment/PPE	<p>Anything used or worn by a person (including clothing) to minimise risks to the person's health and safety. This may include – but is not limited to:</p> <ul style="list-style-type: none"> - respiratory protective equipment - protective helmets - protective eyewear - protective boots - protective gloves - hearing protection - high-vis clothing - sunhats - sunscreen and lip protection - safety harness systems.
Plant	<p>Any machinery, equipment, appliance, container, implement, or tool and includes anything fitted, connected, or related to it.</p>
Project	<p>Used in this draft ACOP to refer to a residential construction project: new build and alterations to an existing building.</p>
Reasonably practicable	<p>What is or was reasonably able to be done to ensure health and safety taking into account and weighing up relevant matters including:</p> <ul style="list-style-type: none"> - the likelihood of the risk concerned occurring or workers being exposed to the hazard - the degree of harm that might result

Term	Definition
	<ul style="list-style-type: none"> - what the person concerned knows, or ought reasonably to know, about: <ul style="list-style-type: none"> - the hazard or risk - ways of eliminating or minimising the risk - the availability and suitability of ways to eliminate or minimise the risk - after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk. <p>Control measures can only not be implemented where cost is grossly disproportionate.</p>
Renovation	Work done to update, improve or change an existing building; under the Building Act 2004, renovations are treated as alterations and must meet Building Code requirements.
Residential construction	“... the building or renovating of homes and multi-unit dwellings where people live. It includes, but is not limited to, stand-alone homes, townhouses, apartments and developments including government developments.”
Risks	Arise from people being exposed to a hazard (a source of harm).
Role	A person’s or business’s position in relation to work, which in turn determines what duties the law required them to meet.
Schedule 1A	Schedule 1A hazards include work at height, scaffolding, excavation, cranes, pressure systems, hazardous substances, mobile plant, major hazard facilities, adventure activities, and other high consequence hazards.
Site-specific safety planning	Health and safety planning or management system designed for each construction site. A structured approach to managing health and safety risks, ensuring compliance with regulations and promoting a culture of healthy and safe working. There are a range of options including paper and digital systems available.
Small PCBU	A small PCBU has fewer than 20 workers.

Term	Definition
Sole trader	An individual who owns and operates a business alone, taking full control of all decisions and operations.
Subcontractor	PCBUs hired by a contractor to work or provide services on their behalf. Sometimes subcontractors are referred to as suppliers.
Supervise	To be in charge of somebody or something and make sure that everything is done correctly, safely and according to HSWA requirements.
Task	A specific piece of work that needs to be done.
Upstream PCBUs	<p>PCBUs who design, manufacture, import or supply plant, substances or structures, or who install, construct or commission plant or structures.</p> <p>‘Design’ includes the:</p> <ul style="list-style-type: none"> - design of part of the plant, substance, or structure, and - redesign or modification of a design.
Worker	<p>An individual who carries out work in any capacity for a PCBU. A worker may be an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company, an outworker (including a homemaker), an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker.</p> <p>Workers can be at any level (for example, managers are workers too).</p> <p>PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.</p>
Workplace	<p>Any place where a worker goes or is likely to be while at work, or where work is being carried out or is customarily carried out.</p> <p>Most duties under HSWA relate to the conduct of work. However, some duties are linked to workplaces.</p>

Appendix 2 Health and Safety at Work Act duties

The [Health and Safety at Work Act 2015 \(HSWA\)](#) is New Zealand's key work health and safety law.

All work and workplaces are covered by HSWA unless they have been specifically excluded. For example, HSWA does not apply to the armed forces in certain situations.

HSWA sets out the work health and safety duties that duty holders must comply with.

There are four types of duty holder under HSWA:

- a person conducting a business or undertaking (PCBU)
- an officer
- a worker
- an 'other person' at the workplace.

Most duties under HSWA relate to **how** work is carried out. However some duties are linked to **where** work is carried out: the workplace.

A **workplace** is a place where work is being carried out or usually carried out for a business or undertaking. It includes any place where a worker goes or is likely to be while at work [Section 20 of HSWA](#).

Duty Holder	Who They Are?	Examples	What Are Their Duties?	For More Information
Person Conducting a Business or Undertaking (PCBU)	<p>A person conducting a business or undertaking (PCBU) may be an individual person or an organisation</p> <p>The following are not PCBUs:</p> <ul style="list-style-type: none"> - officers - workers - other persons at a workplace - volunteer associations that do not have employees - home occupiers (such as home owners or tenants) who pay someone to do work around the home <p>Section 17 of HSWA</p>	<ul style="list-style-type: none"> - a business - a self-employed person - partners in a partnership - a government agency - a local council - a school or university 	<p>A PCBU has many duties. Key duties are summarised below.</p> <p>Primary duty of care Section 36 of HSWA</p> <p>A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work.</p> <p>Managing risks Section 30 of HSWA</p> <p>Risks to health and safety arise from people being exposed to hazards (anything that can cause harm).</p> <p>A PCBU must manage work health and safety risks.</p> <ul style="list-style-type: none"> - A PCBU must first try to eliminate a risk so far as is reasonably practicable. This can be done by removing the source of harm, for example, removing faulty equipment or a trip hazard. - If it is not reasonably practicable to eliminate the risk, it must be minimised so far as is reasonably practicable. <p>Small PCBUs must only manage critical risks. For all other HSWA and regulatory requirements, they must prioritise critical risks over other risks. Other PCBUs must manage all risks but prioritise critical risks.</p>	<p>Introduction to the Health and Safety at Work Act 2015</p> <p>Identifying, assessing and managing work risks</p>

Duty Holder	Who They Are?	Examples	What Are Their Duties?	For More Information
			<p>Overlapping duties: working with other PCBUs Section 34 of HSWA</p> <p>A PCBU with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other PCBUs they share duties with.</p> <p>Involving workers: worker engagement, participation and representation Part 3 of HSWA</p> <p>A PCBU must, so far as is reasonably practicable, engage with their workers (or their workers’ representatives) about health and safety matters that will directly affect the workers.</p> <p>A PCBU must have worker participation practices that give their workers reasonable opportunities to participate in improving health and safety on an ongoing basis.</p>	Overlapping duties
Upstream PCBU	A PCBU in the supply chain	<ul style="list-style-type: none"> – a designer – a manufacturer – a supplier – an importer – an installer, constructor, or commissioner. 	<p>Upstream PCBU Sections 39–43 of HSWA</p> <p>An upstream PCBU must ensure, so far as is reasonably practicable, that the work they do or the things they provide to other workplaces do not create health and safety risks.</p>	Introduction to the Health and Safety at Work Act 2015
Officer	A specified person or a person who exercises significant influence over the management of the business or undertaking Section 18 of HSWA	<ul style="list-style-type: none"> – a company director – a partner or general partner – a chief executive. 	<p>Officer Section 44 of HSWA</p> <p>An officer must exercise due diligence that includes taking reasonable steps to ensure that the PCBU meets their health and safety duties.</p> <p>An officer’s duties exclude activities they carry out in another role within the business, for example as a worker.</p>	Introduction to the Health and Safety at Work Act 2015
Worker	An individual who carries out work for a PCBU Section 19 of HSWA	<ul style="list-style-type: none"> – an employee – a contractor or sub-contractor – an employee of a contractor or sub-contractor – an employee of a labour hire company – an outworker (including homeworker) – an apprentice or trainee – a person gaining work experience or on work trials 	<p>Worker Section 45 of HSWA</p> <p>A worker must take reasonable care of their own health and safety, and take reasonable care that they do not harm others at work.</p> <p>A worker must cooperate with reasonable policies and procedures the PCBU has in place that the worker has been told about.</p> <p>A worker must comply, as far as they are reasonably able, with any reasonable instruction given by the PCBU so the PCBU can meet their legal duties</p>	Introduction to the Health and Safety at Work Act 2015

Duty Holder	Who They Are?	Examples	What Are Their Duties?	For More Information
		<ul style="list-style-type: none"> – a volunteer worker. 		
<p>Other person at the workplace</p>	<p>An individual present at a workplace (not a worker)</p>	<ul style="list-style-type: none"> – a workplace visitor – a casual volunteer (not a volunteer worker) – a customer. 	<p>Other person at the workplace Section 46 of HSWA</p> <p>An ‘other person’ has a duty to take reasonable care of their own health and safety, and not adversely affect the health and safety of anyone else.</p> <p>They must comply with reasonable instructions relating to health and safety at the workplace.</p>	<p>Introduction to the Health and Safety at Work Act 2015</p>

Draft for public consultation

Appendix 3 Worker engagement, participation and representation

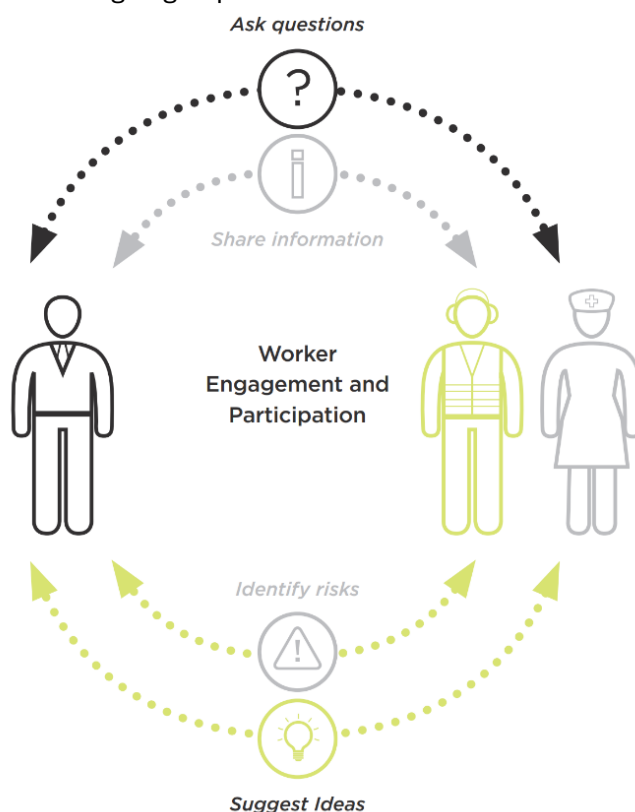
Worker engagement, participation and representation

[Part 3 of HSWA](#)

ENGAGE WITH WORKERS AND ENABLE THEIR PARTICIPATION

A PCBU has two main duties related to worker engagement and participation:

- to engage with workers on health and safety matters that affect or are likely to affect workers, so far as is reasonably practicable, and
- to have practices that give workers reasonable opportunities to participate effectively in the ongoing improvement of work health and safety.



A PCBU can engage with workers by:

- sharing information about health and safety matters so that workers are well-informed, know what is going on and can contribute to decision-making
- giving workers reasonable opportunities to have a say about health and safety matters
- listening to and considering what workers have to say at each step of the risk management process
- considering workers' views when health and safety decisions are being made
- updating workers about what decisions have been made.

A PCBU must engage with workers during specified times, including when identifying hazards and assessing risks.

A PCBU must have clear, effective, and ongoing ways for workers to suggest improvements or raise concerns.

Worker representation

Workers can be represented by a Health and Safety Representative (HSR), a union representing workers, or a person that workers authorise to represent them (for example, a community or church leader, or another trusted member of the community).

HSRs and Health and Safety Committees (HSCs) are two well-established methods of participation and representation. If workers are represented by an HSR, worker engagement must also involve that representative.

For more information

WORKSAFE GUIDANCE

Good practice guidelines: [Worker engagement, participation and representation](#).

Interpretive guidelines: [Worker representation through Health and Safety Representatives and Health and Safety Committees](#).

Appendix 4 Examples of duties that may apply to multiple businesses and related health and safety activities at residential construction sites

This is not an exhaustive list.

Primary duty of care ([HSWA Section 36](#))

HSWA requirements	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>A PCBU 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.</p> <p>This means ensuring, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> - the health and safety of workers who work for the PCBU (for example, employees or contractors, including their subcontractors or workers) while they are at work in the business or undertaking - the health and safety of workers whose work activities are influenced or directed by the PCBU while the workers are carrying out the work (for example, a franchise company whose franchise requirements influence or direct the workers of the franchisee) - that other persons are not put at risk by the work of the business or undertaking (for example, a visitor to the workplace, or members of the public who could be affected by a work activity). 	<p>All PCBUs have this overarching duty.</p> <p>This duty could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace– do not need to be in a direct contractual relationship (for example, subcontractors working onsite but may not have contracts with each other (for example, plumber, quantity surveyors, electricians). <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<p>The health and safety activities at residential construction sites described in this Appendix could all fall under this overarching duty (depending on the specific context).</p>

HSWA requirements	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>A PCBU, who is a self-employed person, must also ensure, so far as is reasonably practicable, his or her own health and safety while at work.</p>	<p>All self-employed PCBUs have this duty for themselves.</p>	
<p>The primary duty of care is a broad overarching duty. It includes, but is not limited to, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> - providing and maintaining a work environment that is without risks to health and safety (applies to a small PCBU only in relation to critical risks) 	<p>All PCBUs have these overarching duties.</p> <p>These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace– do not need to be in a direct contractual relationship. <p>Many of these have specific regulation requirements and certain PCBUs have specified duties related to these.</p> <p>The GRWM Regs 10 -12 for workplace facilities have specific requirements for all PCBU (See the Workplace and facilities table).</p> <p>There are also duties for PCBUs who manage or control the workplace. They must ensure that, so far as is reasonably practicable, the workplace, the means of entering and exiting the</p>	<p>See the Workplace and facilities tables.</p>

HSWA requirements	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
	workplace, and anything else arising from the workplace are without health and safety risks to any person (HSWA Section 37) (applies to a small PCBU only in relation to critical risks).	
<ul style="list-style-type: none"> - providing and maintaining safe plant and structures (applies to a small PCBU only in relation to critical risks) 	<p>There are no overarching regulations for plant and structures.</p> <p>There are duties for PCBUs who manage or control fixtures, fittings or plant at a workplace. They must, so far as is reasonably practicable, ensure that the fixtures, fittings or plant are without risks to the health and safety of any person (HSWA subsection 36 (3), and Section 38) (applies to a small PCBU only in relation to critical risks).</p>	<p>When setting up requirements for use/maintenance/checking equipment provided on-site (mobile scaffolding platforms, scaffolding) and what to do if modifications are needed).</p> <p>When organising temporary works (design, approvals, verifications, requirements for safe use for example, scaffolding set up).</p>
<ul style="list-style-type: none"> - providing and maintaining safe systems of work (applies to a small PCBU only in relation to critical risks) 	<p>There are no overarching regulations for safe systems of work.</p>	<p>See the Management of Risk table.</p>

HSWA requirements	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - ensuring the safe use, handling and storage of plant, structures and substances (applies to a small PCBU only in relation to critical risks) - providing adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities - providing any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking (applies to a small PCBU only in relation to critical risks) - monitoring the health of workers and the conditions at the workplace for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking (applies to a small PCBU only in relation to critical risks). 	<p>There are no overarching regulations for plant and structures.</p> <p>There are regulations for substances harmful to health and hazardous substances.</p> <p>GRWM Regs 10-12 for workplace facilities have specific requirements. See the Workplace and facilities tables.</p> <p>GRWM 9 have specific requirements for worker training etc. See the Training, instruction, information and supervision table.</p> <p>GWRM Part 3 have specific requirements for health monitoring and exposure monitoring. See the Monitoring worker exposure for worker health table.</p>	<p>See the Management of Risk table.</p> <p>See the Workplace and facilities tables.</p> <p>See the Training, instruction, information and supervision table.</p> <p>See the Monitoring worker exposure for worker health table.</p>

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [Introduction to the Health and Safety at Work Act 2015 – special guide | WorkSafe](#)
- [Reasonably practicable | WorkSafe](#)

Draft for public consultation

Management of risks (HSWA Section 30)

HSWA requirement	Who does this?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - All duty holders under HSWA must eliminate risks so far as is reasonably practicable. If they cannot eliminate the risk, they must minimise it so far as is reasonably practicable. - All duty holders must do this to the extent to which they have, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate. - Small PCBUs must only manage critical risks. For all other HSWA and regulatory requirements, they must prioritise critical risks over other risks. Other PCBUs must manage all risks but prioritise critical risks. 	<p>Duty holders under HSWA have this general duty to manage risks. This duty could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>The extent of this duty depends on a business’ influence and control of the matter.</p> <p>Example</p> <p>PCBUs in a contracting chain working together to create a fatigue management policy or agreement. The PCBUs agreed not to create situations where there is pressure on PCBUs further down the contracting chain to meet requirements that are likely to result in fatigue or unhealthy work pressures for workers. They developed a fatigue management agreement that included:</p> <ul style="list-style-type: none"> - minimum hours of sleep opportunity between shifts and at least two full nights between each week of work 	<ul style="list-style-type: none"> - When identifying hazards, risks and effective control measures (including site processes contingency plans, what to do if things go wrong/not what is planned). - When communicating to contractors/subcontractors/visitors. - When monitoring performance of control measures/SWPs. - When continuing risk management to ID and manage new or changed risks (for example, gales forecasted, changes to phasing, timings, contractors’ work affecting other contractors). - When communicating changes in a timely manner.

HSWA requirement	Who does this?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
	<ul style="list-style-type: none"> - maximum shift length, considering: - time of day - type of work - maximum travel time before and after a shift - maximum hours to be worked in a week - maximum hours to be worked in a month - procedures for detecting, reporting, and addressing fatigue. <p>The PCBUs together monitored and reviewed the agreement to make sure fatigue is being managed effectively. If needed, the PCBUs would together investigate incidents where fatigue may be involved.</p>	

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [Identifying, assessing and managing work risks](#)
- [General risk and workplace management - part 2 | WorkSafe](#)

Involving workers: worker engagement, participation and representation ([HSWA Part 3](#); [HSWA Section 60](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - A PCBU must, so far as is reasonably practicable, engage with their workers (or their workers’ representatives) about health and safety matters that will directly affect the workers. - Engagement is required: <ul style="list-style-type: none"> - when identifying hazards and assessing risks - when making decisions about ways to eliminate or minimise those risks - when making decisions about the adequacy of facilities for the welfare of workers - when proposing changes that may affect the health or safety of workers. - A PCBU must have worker participation practices that give their workers reasonable opportunities to participate in improving health and safety on an ongoing basis. 	<p>All PCBUs have these duties for their workers. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship). <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When identifying hazards and assessing risks. - When making decisions about ways to eliminate or minimise those risks. - When making decisions about the adequacy of facilities for the welfare of workers. - When proposing changes that may affect the health or safety of workers.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [Worker engagement and participation | WorkSafe](#)
- [Good practice for worker engagement, participation and representation | WorkSafe](#)

Workplaces and facilities

General workplace requirements ([GRWM Regulation 10](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - Workplaces must be clean, healthy, safe, accessible, and kept in good working order so work can be carried out without risks to worker health and safety. - There are requirements for the workplace including for the layout, flooring, lighting, and ventilation. - A PCBU must ensure, so far as is reasonably practicable, the following: <ul style="list-style-type: none"> - Layout and workplace maintenance: People must be able to enter, exit and move about in a healthy and safe way, including in an emergency. - Work areas: Workers must have enough space to carry out the work in a healthy and safe way. - Floors and other surfaces: Surfaces must be designed, installed and maintained so work 	<p>All PCBUs have these duties for their workplaces. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have H&S duties in relation to the same matter. The extent of this duty depends on a business’ influence and control of the matter.</p> <p>A PCBU who manages or controls the workplace has a separate but related entry/exit duty. They must ensure that, so far as is reasonably practicable, the workplace, the means of entering and exiting the workplace, and anything else arising from the workplace are without health and safety risks to any person.</p>	<ul style="list-style-type: none"> - When organising site layout including entry, exit, temporary traffic management, unloading zones, signage, fencing/security. - When setting up procedures for site access/waste management.

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>can be carried out in a healthy and safe way.</p> <ul style="list-style-type: none"> - Lighting: Lighting must be suitable and sufficient to enable: <ul style="list-style-type: none"> - work to be carried out in a healthy and safe way - people to move around the workplace in a healthy and safe way - safe evacuation in an emergency. - Ventilation: Ventilation must be suitable and sufficient so work can be carried out in a healthy and safe way (for example, provide workers with safe clean air). - Temperature: Work in extreme hot or cold conditions must be able to be carried out in a healthy and safe way. 		

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Workplace and facilities requirements | WorkSafe](#)

General workplace facilities requirements (GRWM Regulations 10-12)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - Facilities must be clean, healthy, safe, accessible, and kept in good working order - A PCBU must ensure, so far as is reasonably practicable adequate facilities are provided for workers at a workplace: <ul style="list-style-type: none"> - toilets - drinking water - hand washing facilities - eating and taking break facilities - rest facilities (if it is not reasonable for workers to leave the workplace). - Also, if the work means these are reasonably likely to be required: <ul style="list-style-type: none"> - showers - changing facilities and places to keep worker’s non-work clothing clean and dry. 	<p>All PCBUs have these duties for their workplaces. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have H&S duties in relation to the same matter.</p> <p>The extent of this duty depends on a business’ influence and control of the matter.</p> <p>Example</p> <p>If toilets (or the other facilities) are provided for the site by the PCBU controlling or managing the site, the other PCBUs still have to confirm that they are clean, accessible, and kept in good working order to meet this duty.</p>	<ul style="list-style-type: none"> - When organising facilities including toilets and break facilities.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Workplace and facilities requirements | WorkSafe](#)

Emergency planning (GRWM Regulation 14)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - A PCBU must ensure that an emergency plan is prepared for the workplace. - The plan must include: <ul style="list-style-type: none"> - emergency procedures - plans for testing these procedures - information, training and instruction for workers implementing the emergency procedures. - The PCBU must take into account: <ul style="list-style-type: none"> - the nature of the work being carried out at the workplace - the nature of the hazards - the size and location of the workplace - the number of the workers. - The plan must be maintained so that it remains effective. - The plan must be implemented if an emergency occurs. 	<p>All PCBUs have these duties for their workplaces. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have H&S duties in relation to the same matter.</p> <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When organising the workplace emergency plan and emergency equipment available onsite.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Workplace emergency plans | WorkSafe](#)

First aid facilities and equipment, and access to first aiders ([GRWM Regulation 13](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - A PCBU must ensure adequate first aid equipment is provided for the workplace. - A PCBU must ensure workers have access to first aid equipment and facilities. - A PCBU must ensure that there is an adequate number of workers trained as first aiders or that workers have access to an adequate number of other first aiders. 	<p>All PCBUs have these duties for their workplaces. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have health and safety duties in relation to the same matter. The extent of this duty depends on a business’ influence and control of the matter.</p> <p>Example</p> <p>If first aid equipment, facilities or first aiders are provided for the site by the PCBU controlling or managing the site, the other PCBUs still have to confirm:</p> <ul style="list-style-type: none"> - the equipment is adequate - their workers can access equipment/facilities - their workers have access to adequate number of first aiders to meet this duty. 	<ul style="list-style-type: none"> - When organising first aid facilities, equipment and first aiders.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [First aid](#)
- [General risk and workplace management - part 1 | WorkSafe](#)
- [First aid at work | WorkSafe](#)

Training, instruction, information and supervision ([GRWM Regulation 9](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - A PCBU must ensure that every worker: <ul style="list-style-type: none"> - has adequate knowledge and experience to carry out the tasks safely or - is adequately supervised by someone with that knowledge and experience. - Workers must receive training in the safe use of the equipment, machinery, or substances they will use. - There are requirements for ensuring the training is suitable and adequate. (applies to a small PCBU only in relation to critical risks) - Primary duty of care (HSWA Section 36) - A PCBU must give all people (e.g. ‘other persons at the workplace’) the information, training, instruction or supervision they need to protect them from health and safety risks arising from the work. (applies to a small PCBU only in relation to critical risks) 	<p>All PCBUs have these duties for their workers and other persons in the workplaces. These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When establishing training and supervision requirements.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Providing information, training, instruction or supervision for workers | WorkSafe](#)

Draft for public consultation

Notifying WorkSafe about notifiable events ([Sections 24-25 and 55-57](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>PCBUs must tell WorkSafe when certain work-related things (called notifiable events) happen.</p> <p>These are:</p> <ul style="list-style-type: none"> - deaths - notifiable injuries or illnesses or - notifiable incidents. <p>If a notifiable event occurs, there are requirements to:</p> <ul style="list-style-type: none"> - preserve the site (by the PCBU who manages or controls the workplace) - notify WorkSafe - keep records. 	<p>All PCBUs have these duties for their workplaces (except for the duty to preserve the site which is the sole duty of the PCBU who manages or controls the workplace). These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have duties in relation to the same matter. The extent of this duty depends on a business’ influence and control of the matter.</p> <p>Example: Notifying WorkSafe</p> <ul style="list-style-type: none"> - The PCBUs in the contracting chain decided which PCBU would notify WorkSafe in the event of a death, a notifiable injury or illness or, a notifiable incident (for example, a hazardous substance spill, an electric shock, or engineering failure. They agreed on the process to be followed: <ul style="list-style-type: none"> - If there is a death at the workplace, WorkSafe will be called immediately on 0800 030 040. 	<ul style="list-style-type: none"> - When establishing processes to notify WS and other relevant people of a notifiable event.

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
	<ul style="list-style-type: none"> - For other events, WorkSafe will be notified through the Notify WorkSafe page of the WorkSafe website. - The notifying PCBU would then tell the other PCBUs that a notification had been made. - While only one PCBU has been nominated to notify the regulator, all PCBUs are responsible for ensuring a notification has been made. 	

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [What events need to be notified? | WorkSafe](#)
- [Notify WorkSafe | WorkSafe](#)

Draft for public

Notifying WorkSafe about hazardous work ([Regulation 26](#) of the Health and Safety in Employment Regulations 1995)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - A PCBU must notify WorkSafe at least 24 hours before starting notifiable work. - Here, ‘construction work’ means work in connection with the alteration, cleaning, construction, demolition, dismantling, erection, installation, maintenance, painting, removal, renewal, or repair, of any building, chimney, edifice, erection, fence, structure, or wall, or scaffolding - Notifiable construction work includes: <ul style="list-style-type: none"> - work in which a risk arises that any person may fall 5 metres or more (except for work in connection with a residential building up to and including 2 full storeys, work on overhead telecommunications lines and overhead electric power lines, work carried out from a ladder only or maintenance and repair work of a minor or routine nature) - the erection or dismantling of scaffolding from which any person may fall 5 metres or more 	<p>The PCBUs that carry out notifiable work have these duties. This duty could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>If PCBUs share the same workplace (even for a short time), they have H&S duties in relation to the same matter.</p> <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When establishing processes to notify WS before notifiable work is carried out.

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - work using a lifting appliance where the appliance has to lift a mass of 500 kilograms or more a vertical distance of 5 metres or more, other than work using an excavator, a fork-lift, or a self-propelled mobile crane - work in any pit, shaft, trench, or other excavation in which any person is required to work in a space more than 1.5 metres deep and having a depth greater than the horizontal width at the top - work in any drive, excavation, or heading in which any person is required to work with a ground cover overhead - work in any excavation in which any face has a vertical height of more than 5 metres and an average slope steeper than a ratio of 1 horizontal to 2 vertical. 		

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [Particular hazardous work \(Notifiable works\) | WorkSafe](#)

Young people (generally under 15 years old) (GRWM Regulations Part 4)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>For young workers PCBUs must make sure (SFARP) young workers (generally under 15 years) do not carry out certain work activities. For example:</p> <ul style="list-style-type: none"> - construction work - using hazardous substances - working or assisting with (or at) machinery - driving a vehicle - ride on a vehicle with attachments (for example trailer) connected, or ride on the attachments. - working between 10pm and 6 am (for workers under 16 years) - lift any weight or perform any tasks likely to harm their health or safety. - Any other type of work likely to cause harm their health or safety. <p>There are exceptions to these requirements.</p> <p>For all young people at the workplace PCBUs must make sure (SFARP) young people (generally under 15 years) (workers or not) are not present in certain work areas. For example, areas where:</p> <ul style="list-style-type: none"> - there is construction work, 	<p>All PCBUs have these duties towards their workers and other persons at the workplace.</p> <p>These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When establishing site requirements for young workers and young people (in general).

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - hazardous substances are being used or - areas where the work is likely to harm them. <p>Exceptions to this are when the young person is:</p> <ul style="list-style-type: none"> - under direct and active adult supervision that is appropriate for the age and nature of the work - on a guided tour - in retail areas - in public areas. 		

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [3235WKS-6-managing-hs-WSNZ-2740-Young-People-in-the-workplace-v7-0-FA-LR \(3\).pdf](#)
- [Young people at work | WorkSafe](#)
- [Young people in the workplace | WorkSafe](#)

Requirements for personal protective equipment (PPE) ([GRWM Regulation 15](#))

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>The PCBU who directs the carrying of work must provide PPE to workers carrying out the work (applies to a small PCBU only in relation to critical risks)</p> <p>There are exceptions when another PCBU provides the PPE instead or when the worker genuinely and voluntarily chooses to provide their own PPE.</p> <p>There are also requirements around</p> <ul style="list-style-type: none"> - selecting PPE so it is suitable for the work and the worker and compatible with other PPE that must be used/worn, - maintaining, repairing and replaced PPE - making sure workers wear/use PPE (applies to a small PCBU only in relation to critical risks) - providing information, training and instruction on how to correctly use, wear and maintain it. <p>Workers have their own duties to wear PPE, to not intentionally damage it and to tell the PCBU if it is damaged or needs to be cleaned.</p> <p>The PCBU who directs the carrying out of the work must ensure the PPE worn or used by “other persons”:</p> <ul style="list-style-type: none"> - is capable of minimising health and safety risks - is worn or used by them. 	<p>All PCBUs who direct the carrying out of work have this duty towards their workers and other persons at the workplace.</p> <p>This duty is reflected down a contracting chain.</p> <p>These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>The extent of this duty depends on a business’ influence and control of the matter.</p>	<ul style="list-style-type: none"> - When establishing site requirements for PPE.

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Personal protective equipment \(PPE\) | WorkSafe](#)

Draft for public consultation

Monitoring worker exposure or worker health ([HSWA Section 36](#), Part 3 GRWM Regulations)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>Primary duty of care A PCBU must monitor the health of workers and the conditions at the workplace for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.</p> <p>Part 3 GRWM Regulations</p> <p>A PCBU must meet specified requirements if they are required to monitor under the GRWM Regulations.</p>	<p>PCBUs that need to monitor the same person’s exposure or health.</p> <p>These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>PCBUs must work with other businesses they share monitoring duties with.</p> <p>At times, PCBUs may need to monitor the same person’s exposure or health (this could happen when you share a workplace or you are in a contracting chain).</p> <p>If this happens, talk with the other business and decide who will organise the monitoring, how information will be shared, and how costs will be split.</p> <p>Example</p> <p>We Build It Tough Ltd hired casual workers from the labour hire company The Very Best Labour Hire Ltd for an extended period. The workers carried out work that meant monitoring must be carried out to manage health risks to the workers. We</p>	<ul style="list-style-type: none"> - When establishing site requirements for exposure monitoring or health monitoring.

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
	<p>Build It Tough Ltd and The Very Best Labour Hire Ltd came to an agreement about who would organise the exposure monitoring and pay for it. It was decided that as The Very Best Labour Hire Ltd had an ongoing relationship with the workers, it would:</p> <ul style="list-style-type: none"> - coordinate the monitoring– make sure that workers received the monitoring results - make sure any remedial recommendations were actioned - keep records. <p>It was agreed that The Very Best Labour Hire Ltd would pay 75% of the monitoring costs, with We Build It Tough Ltd paying the rest.</p>	

Related WS guidance or web content

For more information about these requirements, see our guidance:

- [General risk and workplace management - part 1 | WorkSafe](#)
- [Health and exposure monitoring | WorkSafe](#)

Remote or isolated work (GRWM Regulation 21)

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<p>A PCBU must manage H&S risks of workers who perform remote or isolated work in accordance with regulations 5 to 8 (the prescribed risk management process).</p> <p>A PCBU must provide a system of work that includes effective communication with the worker.</p> <p>Work can be remote or isolated from the assistance of other persons because of location, time, or the nature of the work. Work can be isolated without being remote, and be remote without being isolated.</p> <p>Remote or isolated work includes:</p> <ul style="list-style-type: none"> - working alone or separated from colleagues - working in a geographically isolated or inaccessible area –where the nearest emergency help (for example, fire service or hospital) is some distance away - working outside normal business hours or shift/night work - working in locations where communication is difficult. <p>PCBUs must first determine whether the remote or isolated work is necessary.</p> <p>For isolated or remote workers, take into account the following:</p>	<p>All PCBUs that have workers that perform remote or isolated work have these duties.</p> <p>These duties could apply:</p> <ul style="list-style-type: none"> - down a contracting chain - when different businesses work in the same workplace – do not need to be in a direct contractual relationship. <p>The extent of this duty depends on a business’ influence and control of the matter.</p> <p>Examples of control measures for remote or isolated workers include to:</p> <ul style="list-style-type: none"> - have a buddy system or to work together with others - be trained in emergency procedures including what to do during natural disasters - carry appropriate supplies including suitable first aid equipment 	<ul style="list-style-type: none"> - When establishing site processes for remote or isolated work.

HSWA requirement	Who has these duties?	Health and safety activities at residential construction sites that could fall under these HSWA requirements
<ul style="list-style-type: none"> - is the work suitable to be carried out by a lone worker or if the worker proposed to carry out the work has the competence to work alone and be unsupervised? - can the work be done using a buddy system? - what support systems (such as radio telephones, man-down alarms, emergency procedures and first aid kits, and safety checks) may help to reduce the risk? <p>If remote or isolated work is to take place, PCBUs must follow the prescribed risk management process to manage risks to the health and safety of a worker who performs remote or isolated work.</p> <p>In addition, the PCBU must provide a system of work that includes effective communication with workers.</p> <p>What constitutes an effective communication system will also depend on the sorts of risks faced by the worker (and may need to include panic systems). A communication system that has gaps in coverage or cannot be used in an emergency is unlikely to be effective.</p>	<ul style="list-style-type: none"> - have access to adequate facilities (water, eating facilities, toilets, accommodation) at the remote location - carry communication devices that work at the remote location (for example, radio, satellite or cell phones, pagers or distress beacons) and another means to raise the alarm - contact home to check-in at specified times (or are contacted by another worker at specific times) with failure to check-in triggering the emergency response plan - be remotely monitored (for example, using CCTV). 	

Related WS guidance or web content

For more information about these requirements, see our guidance:

[General risk and workplace management - part 1 | WorkSafe](#)

Appendix 5 So far as is reasonably practicable

So far as is reasonably practicable [Section 22 of HSWA](#)

Certain PCBU duties (the [section 36–43](#) duties including the primary duty of care) must be carried out ‘so far as is reasonably practicable’.

What to consider when deciding what is ‘reasonably practicable’

Just because something is possible to do, does not mean it is reasonably practicable in the circumstances.

Consider:

- What possible actions can be taken to ensure health and safety?
- Of these possible actions, at a particular time, what is reasonable to do?
- Think about the following questions.

WHAT IS KNOWN ABOUT THE RISK?

- How likely is the risk to occur?
- How severe is the illness or injury that might occur if something goes wrong?
- What is known, or should reasonably be known, about the risk?

WHAT IS KNOWN ABOUT POSSIBLE CONTROL MEASURES?

- What is known, or should reasonably be known, about the ways (control measures) to eliminate or minimise the risk?
- What control measures are available?
- How appropriate (suitable) are the control measures to manage the risk?
- What is the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk?

While PCBUs should check if there are widely used control measures for that risk (such as industry standards), they should always keep their specific circumstances in mind. A common industry practice might not be the most effective or appropriate control measure to use.

If PCBUs are not sure what control measures are appropriate, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our guidance: [Reasonably practicable](#).