

THIS GUIDANCE APPLIES FROM 1 APRIL 2027

Officer duty

This guide explains the officer duty under the Health and Safety at Work Act 2015 (HSWA).

KEY MESSAGES

- Officers must exercise due diligence to ensure their PCBU complies with HSWA.
- The officer duty applies only to actions taken in an officer role.
- If you have another role at the PCBU which is not an officer role, the officer duty does not apply to that other role.

Who is an officer?

An officer is a person in a senior leadership position who can significantly influence the management of a PCBU. A PCBU may have more than one officer.

Examples include:

- company directors
- partners in a partnership
- general partners in a limited partnership
- chief executives
- any person in a position that allows them to exercise significant influence over the management of the PCBU.

Note: The above examples include non-active directors and sleeping partners.

The 'due diligence' steps

Officers must exercise due diligence to ensure the PCBU complies with its HSWA duties.

Each officer has their own due diligence duty. Officers cannot rely solely on the PCBU having health and safety systems in place. They must take reasonable steps to ensure those systems and processes are appropriate, and check that they are being used.

Officers are expected to actively monitor and verify health and safety arrangements, not simply approve them.

Officers need to have enough knowledge to ask the right questions, get credible information, and follow up and challenge that information if needed.

All the steps required for due diligence are listed in HSWA.

To exercise due diligence, an officer **must** take reasonable steps to:

- **Understand** and keep up to date with:
 - the nature of the PCBU's work
 - its hazards and risks
 - work health and safety matters generally as they relate to the PCBU.
- **Ensure** the PCBU has:
 - appropriate resources and processes available to manage its work health and safety risks, and that these are used
 - appropriate processes to receive, consider and respond in a timely way to information about incidents, hazards and risks
 - processes for meeting its duties and obligations under HSWA, and that those processes are implemented.
- **Verify** the PCBU has and is using those resources and processes.
 - Officers may choose to rely on information provided by others, such as managers and technical experts, so long as this reliance is reasonable.

How the officer duty applies if you have more than one role in the PCBU

Many people who are an officer in the PCBU also carry out other work for the PCBU, such as a business owner who is also 'on the tools' doing day-to-day work tasks.

The officer duty applies only to what a person does in their capacity as an officer. It does not apply to what that person does in their separate, non-officer role at the PCBU.

The examples below illustrate how this distinction applies.

EXAMPLE 1

You are the owner of a small freight forwarding company. You are unloading a truck with a forklift, and while you are reversing almost hit a worker who was in a blind spot behind you. In this situation, your duty as a worker applies but your duty as an officer does not because you are doing operational work and not acting in your role as an officer.

When you are acting in your role as an officer, your duties as an officer apply and you must exercise due diligence to ensure the PCBU complies with its health and safety duties. For example, when deciding which forklift the PCBU should buy, you will need to think about things such as what safety features it has (proximity sensors, for example) and verify that all forklift operators have completed forklift training.

EXAMPLE 2

You are a director in a farm, and you also do day-to-day work on the farm.

In your role as a director, you have a duty as an officer to exercise due diligence to ensure the PCBU complies with its health and safety duties. This would include things such as keeping up to date with information on hazards and risks that are common in your type of farming and checking that the control measures the PCBU has in place are being used and are appropriate. For example, are workers provided with and wearing protective hearing devices when they should be, and are hazardous chemicals being labelled and stored as required?

Your duty as a worker would be to make sure that when you are carrying out spraying you follow the proper procedures of the PCBU for mixing chemicals, you wear PPE as required by the PCBU and that you spray according to the conditions.