APPROVED CODE OF PRACTICE

# Identifying health and safety roles and responsibilities on a residential construction site

**APPROVED CODE OF PRACTICE**

April 2027

New Zealand Government
Te Kāwanatanga o Aotearoa

WORKSAFE
Mahi Haumaru Aotearoa

# NOTICE OF APPROVAL

WorkSafe New Zealand leads the national effort to improve health and safety at work in New Zealand, aiming to lower the high number of work-related deaths, injuries, and illnesses. One of its main focus areas is construction.

The ACOP for *Identifying health and safety roles and responsibilities on a residential construction site* sets out how businesses, homeowners and others can work together to meet their health and safety duties under the Health and Safety at Work Act 2015.

For the purposes of this ACOP, residential construction includes the building or renovation of homes and multi-unit dwellings where people live, and applies to principal contractors, subcontractors, and specialist trades engaged in such work.

WorkSafe developed this ACOP in consultation with industry and other stakeholders, with particular regard to the needs of small to medium residential construction businesses.

Accordingly, I, Brooke van Velden, being satisfied that the consultation requirements of section 222(2) of the Health and Safety at Work Act 2015 have been met, have approved the approved code of practice for *Identifying health and safety roles and responsibilities on a residential construction site* under section 222(1) of the Health and Safety at Work Act 2015.

**Hon Brooke Van Velden**
Minister for Workplace
Relations and Safety

3 October 2026

# FOREWORD

Construction is vital to Aotearoa New Zealand, yet it remains one of our highest-harm industries. Residential construction, in particular, accounts for a significant number of serious injuries and deaths. These affect workers, their families and communities.

Improving clarity around health and safety responsibilities presents a key opportunity to enhance health and safety outcomes across the residential construction sector, especially where duties overlap.

When responsibilities are unclear, there is a greater likelihood that work risks are not effectively managed on site.

The *Approved code of practice (ACOP) for identifying health and safety roles and responsibilities on a residential construction site* has been developed to help everyone understand their health and safety roles and responsibilities when working together.

Whether you are managing residential construction projects, a principal contractor, contractor, subcontractor, worker, homeowner or client, there is information in this ACOP that will help you understand your role in keeping people on residential construction sites safe.

We would like to thank everyone in the residential construction industry who has contributed their time and expertise in producing this ACOP. This work reflects a significant collective effort across the sector.

By improving understanding of how to consult, cooperate and coordinate with other businesses on site, this ACOP supports safer sites and better outcomes so everyone can return home healthy and safe.

**Murray Jagger**
Chair

**Sharon Thompson**
Chief Executive

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PART A

# Introduction

## IN THIS PART:

**1.0** About this document

**2.0** Roles in residential construction

# 1.0
# About this document

**IN THIS SECTION:**


**1.1** Who is this ACOP for?

**1.2** What does this ACOP cover?

**1.3** How should this ACOP be used?

**1.4** How is this document structured?

**1.5** Supporting information

This ACOP has been written as if the HSW Amendment Act 2026 changes to HSWA section 226 (Use of approved codes of practice in proceedings) applies. This amendment is known as safe harbour and does not come into effect until 1 April 2027.

As this ACOP was approved before this date, it does not have safe harbour status. It will need to be reapproved after 1 April 2027, once the legislative changes take effect. Until such time as the ACOP is reapproved, taking the actions in the ACOP provides evidence that you have met your legal duty.

## 1.1 Who is this ACOP for?

1.1.1 This approved code of practice (ACOP) is for:

- persons conducting a business or undertaking (PCBUs) who are clients, principal contractors, contractors or subcontractors
- workers
- officers of a PCBU, such as company directors
- other people present on the construction site.

See Table 1 in Section 2.2.2 for definitions of these roles.

1.1.2 This ACOP applies to the types of residential construction site defined in the glossary.

## 1.2 What does this ACOP cover?

1.2.1 This ACOP sets out actions for:

- **PCBUs** to consult, cooperate and coordinate activities with other PCBUs who have the same health and safety duty
- **workers, officers and other persons** to comply with specified duties under the Health and Safety at Work Act 2015 (HSWA).

1.2.2 This ACOP primarily focuses on **HSWA sections 34 (the duty to cooperate)** and **44–46 (duties of workers, officers and other persons)**. Where other sections or regulations are mentioned, these will be referenced.

**Note**: You may have further legal duties, for example, if the work involves substances hazardous to health (such as silica dust, welding fumes), hazardous substances, asbestos, or work under raised objects or falling objects.

1.2.3 We have provided a link to a resources page for you to find guidance on general risk management practices, and good practice specific to construction, which sit outside the scope of this ACOP (for example, working at heights).

## 1.3 How should this ACOP be used?

1.3.1 This ACOP applies only to the circumstances and actions described in each section. It does not set out actions for every risk or activity that may arise on a residential construction site.

1.3.2 You are not required to follow what is outlined in this or any ACOP. Compliance with it is not mandatory. But section 226(2) of HSWA provides that if you follow all the actions in this ACOP that are relevant to your circumstances, you are considered to have met the stated legal duty.

1.3.3 This ACOP sets out one way to comply with legal duties. As a duty holder, you can choose to meet your HSWA duties in other ways, as long as you achieve a standard of health and safety that is at least equal to what is described in this ACOP.

1.3.4 Determine what actions are relevant to your situation by asking:

- What is your role?
- What are the roles of any other PCBUs?
- What is the work you are doing?
- What are the work conditions?
- What are the work risks, including the critical risks?
- What is your degree of influence and control?

## 1.4 How is this document structured?

1.4.1 This document is structured by role (see Figure 1). Section 2.0 describes each of the different roles.

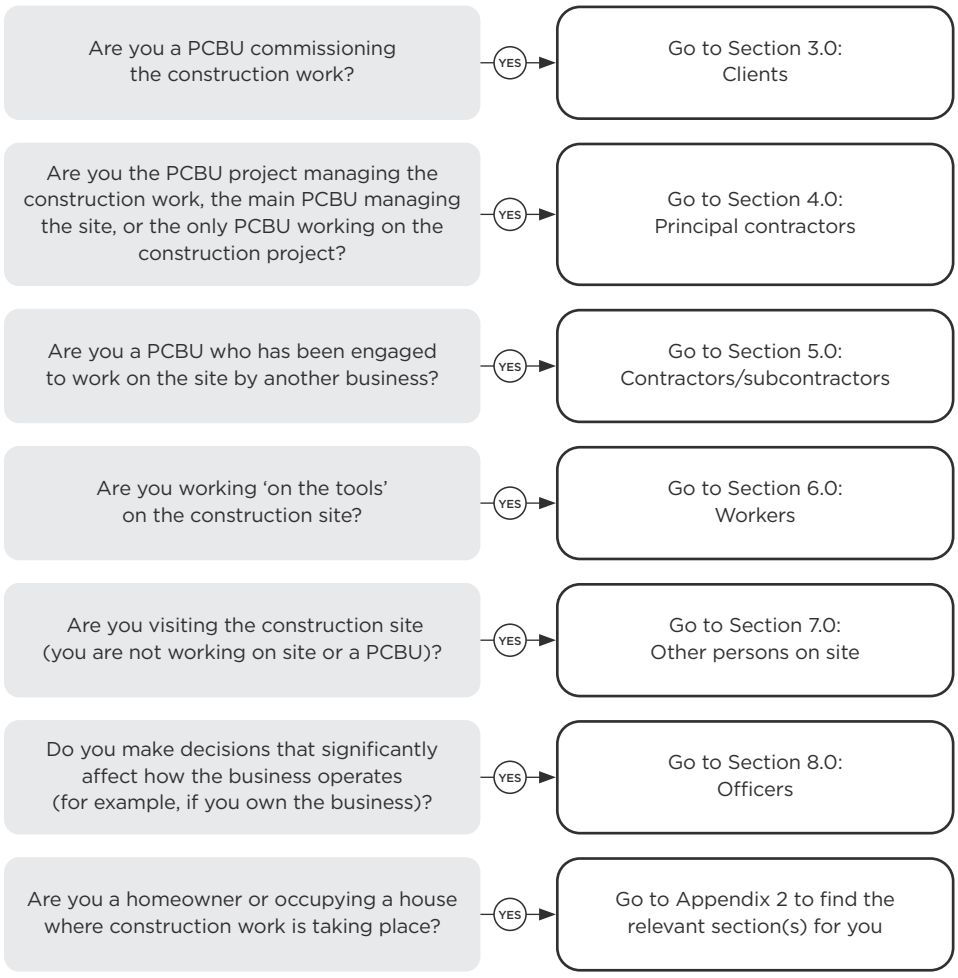



**FIGURE 1:** Residential construction roles

1.4.2 For each role, this ACOP identifies the legal duty or duties covered, and the actions (described in tables) that a duty holder may take to comply with those duties. It also provides examples in Section 9.0 showing how those actions may be applied in different circumstances.

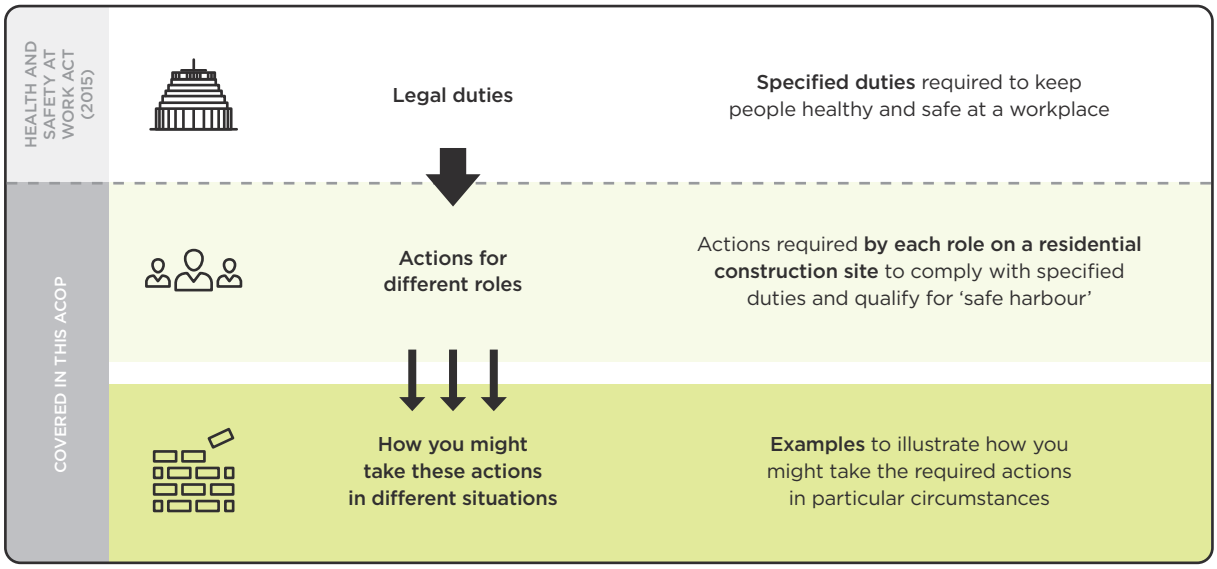



**FIGURE 2:** What is covered in this ACOP

1.4.3 The actions describe practical steps that provide one way duty holders can comply with the specified duty in the stated circumstances. Duty holders need to consider the actual work, workplace, people, hazards, and risks involved. Where circumstances differ, further or different actions may be required to comply with HSWA or regulations.

1.4.4 The examples in this ACOP show **how you might** take the required actions in different situations on different residential construction sites. They do not describe all actions required to meet all your health and safety duties, and do not replace the actions set out in each section.

## 1.5 Supporting information

1.5.1 You can find links to supporting health and safety information on this online Resources page.

1.5.2 The material linked to from the Resources page is additional information only. It is not part of this ACOP, and therefore does not form part of the actions you need to take in order to be treated as if you have complied with your HSWA duties.

# 2.0
# Roles in residential construction

**IN THIS SECTION:**


**2.1** Overview of HSWA roles

**2.2** Overview of residential construction roles

**2.3** Health and safety management on your site

**2.4** Overview of activities before, during and after construction

## 2.1 Overview of HSWA roles

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

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

2.1.3 Each person or business on site 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
- officers
- workers
- other persons at a workplace.

2.1.4 Under HSWA, each role has different duties. A person can have more than one role, and can have more than one duty (for example, someone could be a contractor PCBU as well as an officer or a worker). For more information about HSWA and duty holders, see the Resources page.

### Overlapping duties

2.1.5 More than one person or business may have the same duty at the same time. This is sometimes referred to as 'overlapping duties'. If more than one PCBU has a duty for the same matter, all PCBUs must manage the matter as far as they can influence and control it.

2.1.6 All PCBUs should understand:

- who they are working with and what their own roles are
- what duties they have
- where they share influence or control
- the risks arising from the work or workplace, and which of those are critical risks.

2.1.7 Once PCBUs understand their own duties, they should check whether another PCBU also has that duty. Where duties overlap, each PCBU should:

- manage the risks of their work so far as they can influence and control them
- meet their obligations to consult, cooperate and coordinate activities with other PCBUs who have the same duty.

2.1.8 Cooperation requirements differ depending on the size of the PCBU.

- Large PCBUs (20 or more workers) must cooperate with other PCBUs for all relevant risks.
- Small PCBUs (fewer than 20 workers) are required to cooperate with other PCBUs for critical risks, and may choose to cooperate for other relevant risks.

2.1.9 PCBUs of different sizes may enter into agreements or contracts that set out how they will work together. These arrangements can require small PCBUs to cooperate on all relevant risks, provided that the arrangements do not limit or remove duties under HSWA.

2.1.10 For more information about overlapping duties, see the Resources page.

## 2.2 Overview of residential construction roles

2.2.1 This ACOP focuses on these roles in a contracting chain. It also covers officers, workers and other persons on site.

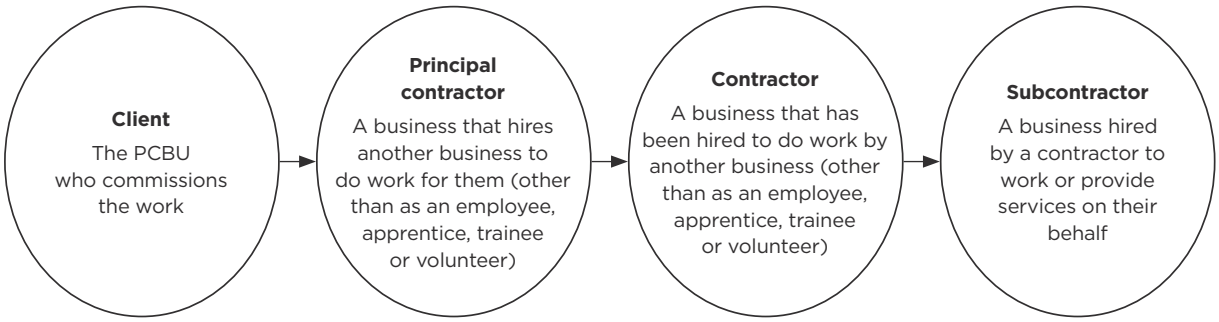



**FIGURE 3:** Roles in the contracting chain

2.2.2 Table 1 gives an overview of the main roles in residential construction covered in this ACOP. It also explains who fills each role and summarises the health and safety focus for that role.

| ROLE | DEFINITION IN THIS DOCUMENT | HEALTH AND SAFETY FOCUS |
|---|---|---|
| **Client** | A PCBU who commissions residential construction work. | Engage qualified and experienced people, and provide them with site information. |
| **Principal contractor** | The PCBU with overall management or control of the construction site. If something affects the safety of more than one trade, the principal contractor coordinates it. This role is about site control and coordination, not doing all the work themselves. | Set up, manage and coordinate a safe site for everyone. |
| **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 themselves and others. |
| **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 themselves and others. |
| **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.<br>An officer's duty does not extend to activities they perform in another role for a PCBU (for example, as a worker). |
| **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 on site** | People who are present at a workplace but are not workers. | Take reasonable care, and follow any reasonable instruction. |

**TABLE 1:** Definitions of roles in this document

## 2.3 Health and safety management on your site

2.3.1 Businesses can have different roles (principal contractor, contractor or subcontractor) and different HSWA duties at different construction sites. Each business needs to work out their roles and responsibilities for each site.

2.3.2 Apprentices and trainees are classed as 'workers' and must meet worker duties. The risks linked to inexperienced workers and their supervision need to be planned for when roles and responsibilities are defined in site-specific health and safety arrangements. Usually the responsibility for day-to-day supervision rests with the PCBU they are apprenticing for.

2.3.3 The actions provided in this ACOP apply to construction projects of all sizes. All relevant actions should be followed, but they should be scaled to suit the size, needs and complexity of the project. Each worksite and construction project has its own needs and challenges, and conditions can change during the build. Risk management is ongoing and requires consultation, cooperation and coordination at every stage.

2.3.4 When working with others, it is important to agree:

- what actions apply to the specific circumstances of the site and project
- what is within the influence and control of each PCBU
- who will do what, so all of the required actions are completed.

2.3.5 Different businesses face different health and safety risks depending on the work they do. Safe and healthy work starts with identifying and understanding these risks.

2.3.6 Managing health and safety well on a residential construction site depends on how people work together and maintain clear separation of work duties. The focus should be on effective risk management and coordination, and how work is actually carried out (site-specific health and safety arrangements).

2.3.7 Records may be informal (for example, text messages or digital photographs) where suitable for your site and project.

2.3.8 This ACOP does not set out how to manage all specific risks on a residential construction site (such as working at height). For more information on identifying, assessing and managing risk, (including using the hierarchy of controls), see the Resources page.

## 2.4 Overview of activities before, during and after construction

2.4.1 Figure 4 gives an overview of work on a construction site in three stages (before, during and after construction), and the high-level health and safety activities that occur at each stage.

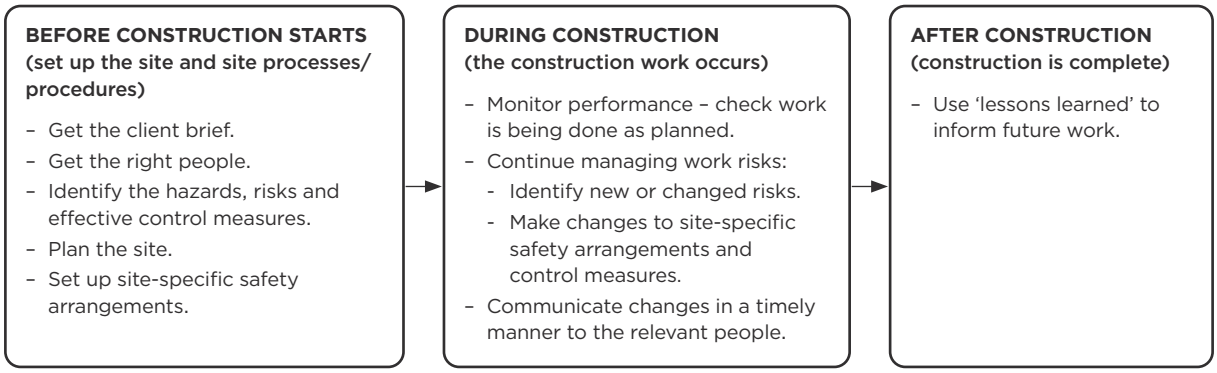



**FIGURE 4:** The three stages of construction used in this ACOP

2.4.2 For each role in sections 3.0 to 8.0, the actions to take are split between the before, during and after construction stages.

2.4.3 Please note these stages are indicative. PCBUs and workers may start and finish work at different times during the project.

2.4.4 Health and safety duties apply at all times for the duration of a construction project.

## PART B

# Responsibilities by role

### IN THIS PART:


**3.0** Clients (PCBUs who commission the work)

**4.0** Principal contractors

**5.0** Contractors and subcontractors

**6.0** Workers

**7.0** Other persons on site

**8.0** Officers

# 3.0
# Clients (PCBUs who commission the work)

**IN THIS SECTION:**

**3.1** Who is this section for?

**3.2** What are a client's actions during a project?

## 3.1 Who is this section for?

3.1.1 This section is for PCBUs who commission the construction work (called 'clients' in this ACOP). This may be, for example, a property developer, a landlord or an investor.

3.1.2 On some projects, clients may also have other roles (for example, as the principal contractor or contractor). In these cases, clients need to meet the actions of each role.

> In certain circumstances, homeowners/occupiers and individuals who commission residential construction work may be 'clients'. To find out about these circumstances, see Appendix 2.

## 3.2 What are a client's actions during a project?

3.2.1 For clients to be treated as having met their legal duties under HSWA section 34: PCBU must consult other PCBUs with same duty they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 5, and described in detail in Tables 2 to 4.

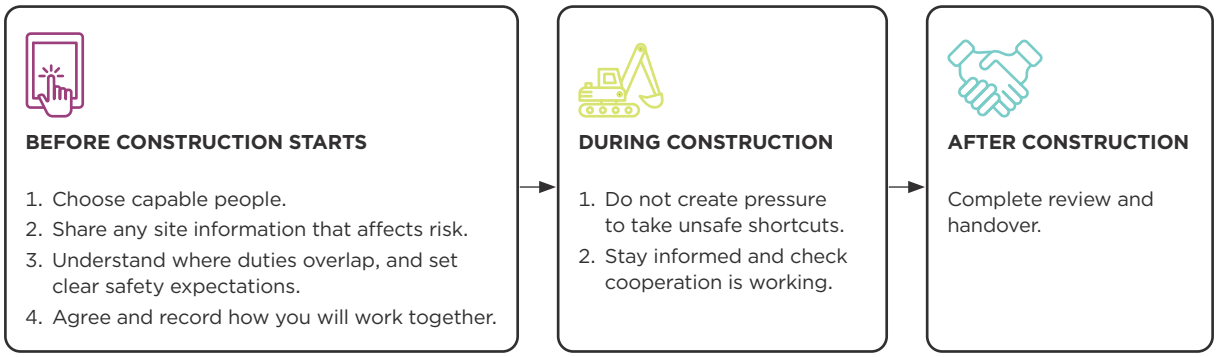



**FIGURE 5:** Summary of client's actions

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| 1. **Choose capable people** | ○ Choose a qualified and experienced principal contractor (unless you are taking this role).<br>○ Check the principal contractor's experience and evidence of safe systems of work (for example, qualifications, certifications, references).<br>**Note**: A formal prequalification process is not required. |
| 2. **Share any site information that affects risk** | ○ Share any site information that could affect health and safety, such as information about:<br>– asbestos<br>– services and utilities<br>– access issues<br>– building plans.<br>○ Provide this information early so risks can be planned for.<br>○ Allow time for asbestos and other pre-construction surveys before work starts. |
| 3. **Understand where duties overlap, and set clear safety expectations** | ○ With the principal contractor (and others where needed) determine:<br>– what role each PCBU has<br>– what duties each PCBU has, and whether another PCBU has the same duty.<br>○ Where PCBUs have the same duty:<br>– determine any critical risks<br>– confirm each PCBU's influence or control over the matter<br>– decide how each PCBU will manage the matter as far as they can influence and control it.<br>**Note**: You are likely to have influence and control where you can direct how and when the work is carried out, select plant and equipment, or control access to the site. |
| 4. **Agree and record how you will work together** | ○ Agree with the principal contractor (and others where needed) how you will meet your duties, including:<br>– who manages or controls the site<br>– who communicates with who (including tenants)<br>– how changes and issues will be managed<br>– how you will visit the site<br>– what the site rules are.<br>○ Agree on and record site-specific safety arrangements that clearly set this out.<br>**Note**: Records may be informal (for example, text messages or digital photographs) where suitable for your site and project. |

**TABLE 2:** Actions for clients before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| 1. **Do not create pressure to take unsafe shortcuts** | ○ If plans change during the build and you have to make decisions based on new information, make realistic choices about time, cost, sequencing and design.<br>○ Where changes are needed:<br>– check that risks are assessed<br>– confirm control measures are in place before work continues.<br>○ Do not direct or control site work if you are not the principal contractor. |
| 2. **Stay informed, and check cooperation is working** | ○ Regularly check in with the principal contractor. Ask them to confirm that:<br>– critical risks are controlled<br>– control measures are being checked<br>– issues are being addressed.<br>○ Keep up to date with what is happening on site.<br>○ In the case of an incident or a near miss, agree who will:<br>– notify WorkSafe if required<br>– preserve the site.<br>○ Ask the principal contractor to communicate the plan for notifiable events to all workers and contractors/subcontractors. |

**TABLE 3:** Actions for clients during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| **Complete review and handover** | ○ Take part in a review of the project.<br>○ Identify what worked well and what could be improved. Keep lessons learned, and use them to improve future projects. |

**TABLE 4:** Actions for clients after construction

3.2.2 See Section 9.2 for examples showing clients working with other PCBUs.

# 4.0
# Principal contractors

**IN THIS SECTION:**

**4.1** Who is this section for?

**4.2** What are a principal contractor's actions during a project?

## 4.1 Who is this section for?

4.1.1 This section is for the PCBU the client hires to lead the residential construction project. This may be the main building business, a building franchise, a contractor or a project manager. This is defined as the 'principal contractor' in this ACOP.

4.1.2 The principal contractor is the PCBU who manages or controls the construction site and takes the lead in managing health and safety across all trades on site.

4.1.3 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 all roles it holds. If you have other HSWA roles (for example, as a client, officer, or worker), read the other relevant sections as well.

> In certain circumstances, homeowners/occupiers and individuals who commission residential construction work may be 'principal contractors'. To find out about these circumstances, see Appendix 2.

4.1.4 In most cases, the principal contractor is responsible for setting up and managing site health and safety procedures. However, every PCBU is responsible for meeting their own health and safety duties.

## 4.2 What are a principal contractor's actions during a project?

4.2.1 For principal contractors to be treated as having met their legal duties under HSWA section 34: PCBU must consult other PCBUs with the same duty they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 6, and described in detail in Tables 5 to 7.

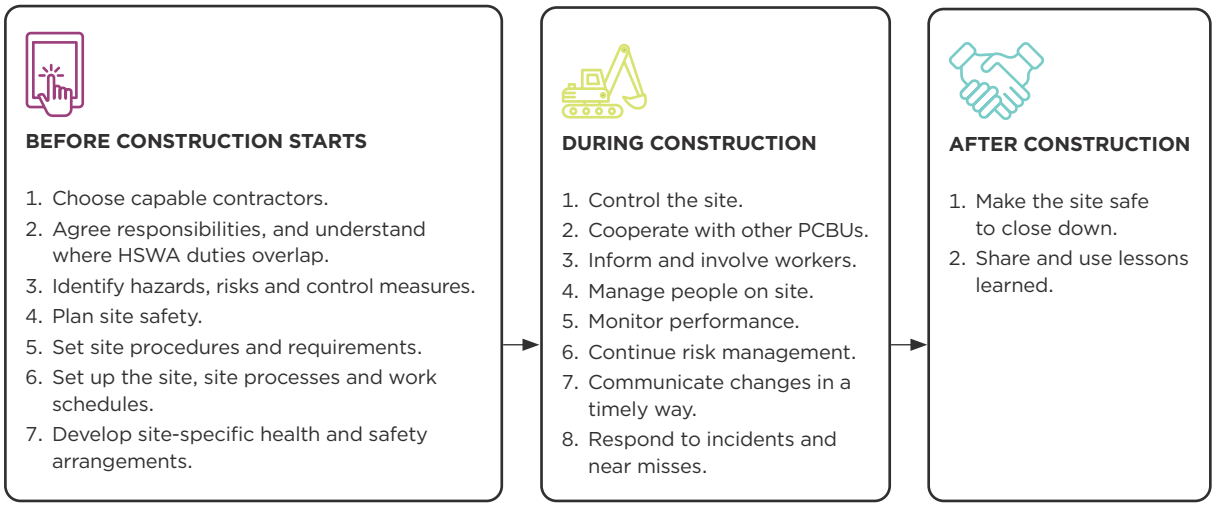



**FIGURE 6:** Summary of principal contractor's actions

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| 1. **Choose capable contractors** | Choose qualified and experienced contractors/subcontractors with safe systems of work. **Note**: You do not need to use a formal prequalification process. |

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| **2. Agree responsibilities, and understand where HSWA duties overlap** | ○ Review the required actions in points 3-7 below with the client and contractors/ subcontractors on site, and determine:<br>– what role each PCBU has<br>– what HSWA duties each PCBU has, and whether another PCBU has the same duty.<br>○ Where PCBUs have the same duty:<br>– determine any critical risks<br>– confirm each PCBU's degree of influence and control<br>– decide how each PCBU will manage the matter.<br>**Note**: You are likely to have influence and control where you can direct how and when the work is carried out, select plant and equipment, or control access to the site.<br>See sections 2.1.5 to 2.1.10 for information on overlapping duties. |
| **3. Identify hazards, risks and control measures** | ○ Identify hazards and risks from:<br>– the work being done<br>– the construction site<br>– the environment (for example, strong winds)<br>– how different trades interact.<br>○ Identify which risks are critical risks.<br>○ Identify which PCBUs have the duty to manage each risk, and what their degree of influence and control is.<br>○ Decide how each PCBU will manage the risks of their work.<br>○ Confirm what control measures will be put in place and by who. When deciding on control measures, consider:<br>– the order of work (who will be on site and when)<br>– the timing of deliveries<br>– when equipment will be set up. |
| **4. Plan site safety** | ○ Plan what the site needs for safe work, including:<br>– fencing, signage and security<br>– safe access, entry and exit<br>– traffic management<br>– site facilities (electricity, toilets, water, break area, first aid)<br>– high-risk deliveries and lifting<br>– waste management<br>– temporary works (for example, scaffolding)<br>– required consents and approvals<br>– emergency equipment<br>– communication with neighbours. |
| **5. Set site procedures and requirements** (where applicable) | ○ Set procedures for:<br>– visitor access (sign-in, site instructions, PPE)<br>– worker sign-in/out<br>– what to do when work does not go to plan<br>– how to contact key people<br>– working alone or remotely<br>– notifying WorkSafe (notifiable work and events)<br>– how you will communicate with contractors and workers (for example, inductions, toolbox talks).<br>○ Set requirements for:<br>– equipment use and maintenance<br>– PPE (who provides what)<br>– training and supervision<br>– emergency and contingency plans<br>– worker engagement<br>– safe access, signage, fencing and facilities. |

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| 6. **Set up the site, site processes, and work schedules** | ○ Provide safe access, exits, exclusion zones, delivery routes and set-down areas for each trade.<br>○ Make sure facilities, first aid, and emergency plans are in place.<br>○ Confirm roles, responsibilities, and communication with all PCBUs.<br>○ Arrange inductions so everyone knows:<br>– who is in charge (for example, site foreperson)<br>– site rules<br>– how to report hazards, near misses and incidents.<br>○ Plan work so trades can work safely around each other. |
| 7. **Develop site-specific health and safety arrangements** | ○ Keep the safety arrangements information available and easily accessible for anyone working on or visiting the site.<br>○ Record how risks will be managed, including hazards, control measures, overlapping work and clear responsibilities. |

**TABLE 5:** Actions for principal contractors before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| 1. **Control the site** | ○ Manage site access, exits, shared areas and exclusion zones.<br>○ Make sure people can enter, work, and leave the site safely. |
| 2. **Cooperate with other PCBUs** (where applicable to the project) | ○ Consult, cooperate and coordinate activities with contractors, subcontractors, designers and suppliers.<br>○ Manage overlaps between trades so work does not create new risks. |
| 3. **Inform and involve workers** (where applicable) | ○ Make sure workers receive a site induction before they start, including clear instructions on how to raise concerns.<br>○ Involve workers through:<br>– toolbox talks<br>– site walkthroughs<br>– safety discussions. |
| 4. **Manage people on site** (where applicable to the project) | ○ Manage workers, visitors, deliveries and homeowners.<br>○ Watch how different trades interact to make sure control measures are working.<br>○ Give clear instructions, and check they are followed.<br>○ Tell workers to report hazards, near misses, and incidents immediately. |
| 5. **Monitor performance** | ○ Hold regular site meetings where needed.<br>○ Check that work is being done as planned (for example, by observing work).<br>○ Check that control measures are in place and are effective.<br>○ If control measures are not working:<br>– stop work<br>– put new control measures in place before restarting.<br>○ Check PPE is appropriate and provided where agreed.<br>○ Check equipment is safe and has not been changed or damaged. |

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| **6. Continue risk management** | ○ Monitor site conditions, and update control measures as work changes.<br>○ Make sure the site is suitably prepared before high-risk activities or deliveries occur.<br>○ Identify new or changed risks (for example, weather or sequencing changes).<br>○ Update the site-specific health and safety arrangements with input from affected contractors.<br>○ Continue to involve workers in identifying and managing risks. |
| **7. Communicate changes in a timely way** | ○ Tell affected people about changes.<br>○ Update the site-specific health and safety arrangements. |
| **8. Respond to incidents and near misses** | ○ Make sure there is a clear process for:<br>– notifiable events<br>– site preservation.<br>○ Confirm who will notify WorkSafe and who will preserve the site.<br>○ Follow agreed procedures.<br>○ Preserve the site if required. |

**TABLE 6:** Actions for principal contractors during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| **1. Make the site safe to close down** | ○ Make the site safe for demobilising.<br>○ Remove any temporary control measures safely.<br>○ Manage remaining hazards, and ensure safe access for handover or occupancy. |
| **2. Share and use lessons learned** | ○ Review with contractors, subcontractors and clients:<br>– what worked well when consulting, coordinating and cooperating with other PCBUs<br>– what could be improved for next time.<br>○ Share lessons, and use them to improve future projects. |

**TABLE 7:** Actions for principal contractors after construction

4.2.2 To find out about contractor/subcontractor actions, see Section 5.0.

4.2.3 See Section 9.3 for examples showing principal contractors working with other PCBUs.

# 5.0 Contractors and subcontractors

**IN THIS SECTION:**

**5.1** Who is this section for?

**5.2** What are a contractor's/subcontractor's actions during a project?

## 5.1 Who is this section for?

5.1.1 This section is for PCBUs (including businesses and sole traders) who are hired or contracted to work on a residential construction project. They are referred to as contractors (when hired directly by the client or principal contractor) or subcontractors (when hired by a contractor).

5.1.2 Regardless of how long a contractor/subcontractor is on site, they still need to:

- check control measures when they are on site
- communicate and coordinate their work activities with others on site
- understand the work activities (and workers) they have influence and control over.

5.1.3 PCBUs remain responsible for meeting their own health and safety duties. If you have other HSWA roles (for example, as an officer or worker), read the other relevant sections as well.

## 5.2 What are a contractor's/subcontractor's actions during a project?

5.2.1 For contractors and subcontractors to be treated as having met their legal duties under HSWA section 34: PCBU must consult other PCBUs with same duty they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 7, and described in detail in Tables 8 to 10.

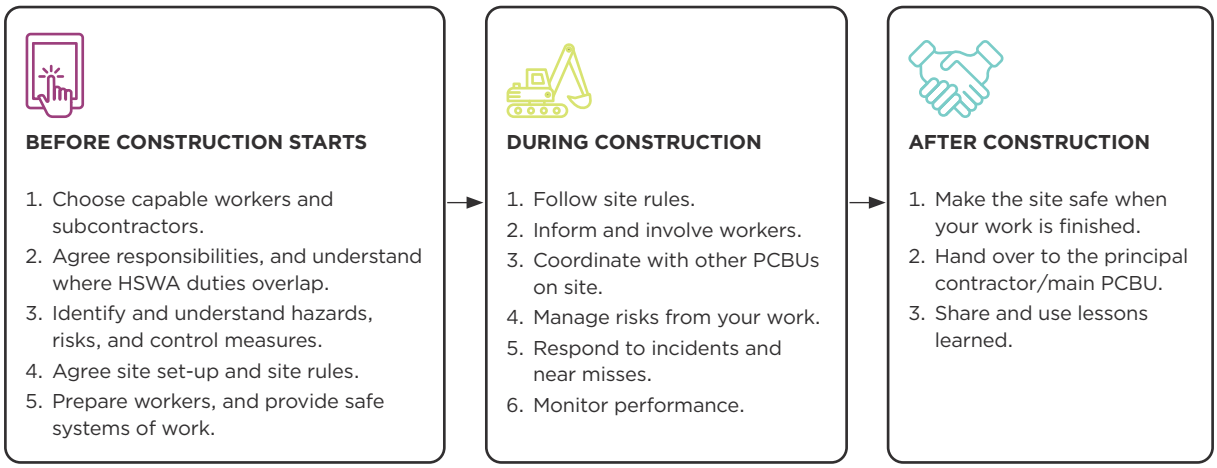



**FIGURE 7:** Summary of contractor's/subcontractor's actions

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| **1. Choose capable workers and subcontractors** | ○ Choose qualified and experienced workers and subcontractors.<br>**Note**: You do not need to use a formal prequalification process.<br>○ If you hire subcontractors, check they can meet site requirements.<br>○ If you engage apprentices and trainees, plan for the risks linked to inexperienced workers and the supervision required. Usually responsibility for day-to-day supervision rests with you. |
| **2. Agree responsibilities, and understand where HSWA duties overlap** | ○ With the principal contractor and other PCBUs on site, determine:<br>– what role each PCBU has<br>– what HSWA duties each PCBU has, and whether another PCBU has the same duty.<br>○ Where you have the same duty as another PCBU:<br>– determine any critical risks<br>– confirm each PCBU's degree of influence and control<br>– agree how each PCBU will manage the matter.<br>**Note**: You are likely to have influence and control where you can direct how and when the work is carried out, select plant and equipment, or control access to the site. |
| **3. Identify and understand hazards, risks, and control measures** | With the principal contractor and other PCBUs on site:<br>○ Identify hazards and risks from:<br>– the work being done<br>– the construction site (for example, steep or uneven terrain)<br>– the environment (for example, strong winds)<br>– how different trades interact.<br>○ Identify which of these are critical risks.<br>○ Identify which PCBUs have the duty to manage each risk and what their degree of influence and control is.<br>○ Agree how each PCBU will manage the risks of their work.<br>○ Confirm what control measures will be put in place and by who. |
| **4. Agree site set-up and site rules** | ○ Confirm with the principal contractor:<br>– how the site will be set up for your work<br>– the processes to follow<br>– the work schedule.<br>○ Understand site rules. |
| **5. Prepare workers, and provide safe systems of work** | ○ Communicate with workers in ways they can understand (for example, inductions, toolbox talks).<br>**Note**: To support workers' understanding, provide explanatory materials in the appropriate language if required.<br>○ Complete site inductions before starting work. Make sure workers:<br>– understand site rules<br>– know how to raise concerns.<br>○ Make sure workers are trained, competent, and appropriately supervised for their tasks.<br>○ Make sure workers only carry out work they are trained to do.<br>○ Make sure workers have suitable plant, equipment, and PPE, and risks associated with substances hazardous to health (for example, hazardous dust and fumes) are managed appropriately. |

**TABLE 8:** Actions for contractors before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| **1. Follow site rules** | ○ Follow agreed control measures, sequencing, and site rules.<br>○ Use shared facilities and access routes as agreed. |
| **2. Inform and involve workers** (where applicable) | ○ Explain task-specific risks and site requirements in a way workers understand, for example, visuals or risk cards.<br>**Note**: To support workers' understanding, provide explanatory materials in the appropriate language if required.<br>○ Ensure workers understand their right to raise concerns, and are supported to do so. |
| **3. Coordinate with other PCBUs on site** | ○ Coordinate with the principal contractor and other PCBUs to manage shared risks.<br>○ Tell the principal contractor if a new contractor or subcontractor is engaged.<br>○ Attend toolbox talks (or similar).<br>○ Check current site-specific health and safety arrangements each day you work on site.<br>○ Do not change supplied plant or structures. Report required changes.<br>○ Respect exclusion zones.<br>○ Tell the principal contractor if control measures are not working. Stop work until risks are controlled.<br>○ Follow agreed timing and sequencing.<br>○ If plans change, tell affected PCBUs so risks can be reassessed.<br>○ If conditions change and create new risks, stop and re-coordinate.<br>○ Tell others how your work may affect them. |
| **4. Manage risks from your work** | ○ Identify hazards and risks your work creates, including changes in conditions.<br>○ Put control measures in place, and keep your work area safe and tidy.<br>○ Regularly check that control measures and equipment remain effective.<br>○ Communicate early about hazards, overlaps and changes.<br>○ Give clear instructions, and encourage reporting of hazards. |
| **5. Respond to incidents and near misses** | ○ Follow site processes for incidents and notifiable events.<br>○ Report hazards, near misses, incidents, and notifiable events immediately.<br>○ Support site preservation and investigations where required. |
| **6. Monitor performance** | ○ Check that workers and subcontractors understand and follow agreed processes and control measures. |

**TABLE 9:** Actions for contractors and subcontractors during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| **1. Make the site safe when your work is finished** | ○ Leave your work area safe and tidy.<br>○ Remove or secure your plant and materials.<br>○ Secure or isolate hazards you created (for example, temporary power or openings). |
| **2. Hand over to the principal contractor/ main PCBU** | ○ Tell the principal contractor:<br>– what work is complete<br>– any remaining risks or special conditions.<br>○ Provide information for safe use, maintenance, or future work. |
| **3. Share and use lessons learned** | ○ Take part in lessons learned discussions about consultation, coordination and cooperation between PCBUs.<br>○ Identify what worked well and what could be improved.<br>○ Share lessons to improve future work. |

**TABLE 10:** Actions for contractors and subcontractors after construction

5.2.2 To find out about principal contractor actions, see Section 4.0.

5.2.3 See Section 9.4 for examples showing contractors and subcontractors working with other PCBUs.

# 6.0 Workers

**IN THIS SECTION:**

**6.1** Who is this section for?

**6.2** What are a worker's actions during a project?

## 6.1 Who is this section for?

6.1.1 This section is for any individual who carries out work in any capacity for a business operating on the site. A person who owns a business (a PCBU) can also be a worker if they are carrying out work on site for the business.

## 6.2 What are a worker's actions during a project?

6.2.1 For workers to be treated as having met their legal duties under HSWA section 45: Duties of workers and regulation 18, GRWM Regulations: Duty of worker to wear or use personal protective equipment they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 8, and described in detail in Tables 11 to 13.

**FIGURE 8:** Summary of workers' actions

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| **Receive induction, and understand site rules** | ○ Attend the site induction before starting work.<br>○ Understand the site rules. Know:<br>– who is in charge<br>– how to report hazards or raise concerns.<br>○ Only do work you are trained to do.<br>○ Ask questions if anything is unclear or unsafe.<br>○ Expect to receive information in a way you can understand. |

**TABLE 11:** Actions for workers before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| **Follow instructions, report all incidents and issues, and work safely** | ○ Attend toolbox talks (or similar).<br>○ Make sure you understand the risks for your tasks.<br>○ Follow instructions, site rules, and agreed control measures.<br>○ Use PPE according to training or reasonable instruction provided by the PCBU. Keep PPE clean and in good condition. Tell the PCBU if PPE:<br>– does not fit properly<br>– is damaged<br>– needs cleaning or replacing.<br>○ Do not change plant or structures (for example, scaffolding) unless trained to do so. Report any required changes.<br>○ Stay out of exclusion zones and restricted areas.<br>○ Work safely with others, and respect barriers and control measures.<br>○ Tell your contractor or principal contractor if control measures are not working. Stop work until risks are controlled.<br>○ Report hazards, near misses and incidents immediately.<br>○ Speak to the site contact if something feels unsafe. |

**TABLE 12:** Actions for workers during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| **Finish work, and take part in review** | ○ Leave your work area safe and tidy. Secure or isolate hazards you created (for example, temporary power or openings).<br>○ Return tools and equipment as required.<br>○ Take part in debrief or lessons-learned sessions.<br>○ Share:<br>– what caused confusion<br>– where work overlaps did not go well<br>– what would help make future work safer<br>– what did go well that can be repeated on the next project. |

**TABLE 13:** Actions for workers after construction

6.2.2 To find out about principal contractor or contractor/subcontractor actions, see Sections 4.0 and 5.0.

6.2.3 See Section 9.5 for an example of a worker following instructions.

# 7.0
# Other persons on site

**IN THIS SECTION:**

**7.1** Who is this section for?

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

## 7.1 Who is this section for?

7.1.1 This section is for people who come onto the site, but are not doing construction work. This includes visitors, neighbours, friends and family.

7.1.2 In some circumstances, a homeowner or home occupier may be classed as an 'other person' at the construction site. In other circumstances, they may be classed as a 'client' or 'principal contractor'.

7.1.3 If a home has tenants during a building renovation project and they are not doing any of the work and did not commission the work, the tenants are classed as 'other persons' on the site.

**Note**: A tenant may have additional duties if they run a business from the residence. For further information, see Appendix 2.

7.1.4 For flowcharts to work out what role a homeowner/home occupier or tenant has in your circumstances, see Appendix 2.

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

7.2.1 Actions for homeowners/occupiers are listed in this section, followed by actions for other persons on site (for example, visitors).

7.2.2 For homeowners/occupiers to be treated as having met their legal duties under HSWA section 46: Duties of other persons at workplace and regulation 20, GRWM Regulations: Duty of other persons to wear or use personal protective equipment they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 9, and described in detail in Tables 14 to 16.

**FIGURE 9:** Summary of actions for homeowners/occupiers

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| **Share information, and understand site access** | ○ Tell the principal contractor about:<br>– access to the property<br>– known issues<br>– any hazards.<br>○ Know who is in charge of the site and how to contact them.<br>○ Agree when and how you can access the site. Follow instructions on how to visit the site before work starts. |

**TABLE 14:** Actions for homeowners/occupiers before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| 1. Take reasonable care | Take reasonable care of your own health and safety.<br>Do not put workers or others at risk. |
| 2. Follow site instructions | Follow signage and instructions when visiting the site, such as for using or wearing PPE. |
| 3. Stay within permitted areas | Stay in permitted areas only.<br>Do not touch tools, plant, structures (for example, scaffolding) or materials. |

**TABLE 15:** Actions for homeowners/occupiers during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| 1. Follow remaining control measures, and use the site safely | Follow any remaining control measures (for example, restricted areas) while the site is being cleared.<br>Ask about any remaining risks at handover. Follow guidance on how to use the area safely. |

**TABLE 16:** Actions for homeowners/occupiers after construction

7.2.3 For other persons on site (for example, visitors) to be treated as having met their legal duties under HSWA section 46: Duties of other persons at workplace they are required to take certain actions that are applicable for the site. These are described in Table 17.

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| 1. Take reasonable care | Take reasonable care of your own health and safety.<br>Do not put workers or others at risk. |
| 2. Follow site instructions | Follow signage and instructions when visiting the site, such as for using or wearing PPE. |
| 3. Stay within permitted areas | Stay in permitted areas only.<br>Do not touch tools, plant, structures (for example, scaffolding) or materials. |

**TABLE 17:** Actions for others (for example, visitors)

7.2.4 See Section 9.6 for examples illustrating how other persons on the site might complete their required actions.

# 8.0 Officers

**IN THIS SECTION:**

**8.1** Who is this section for?

**8.2** What are an officer's actions during a project?

## 8.1 Who is this section for?

8.1.1 This section is for officers. This may include officers in any part of the contracting chain, for example, officers of a business hired to work on a residential construction project, or officers of the business who commissioned the project.

8.1.2 Officers are responsible for making sure their organisation has effective health and safety management throughout every stage of a residential construction project.

8.1.3 An officer's duty does not extend to activities they perform in another role for a PCBU (for example, as a worker).

## 8.2 What are an officer's actions during a project?

8.2.1 For officers to be treated as having met their legal duties under HSWA section 44: Duty of officers they are required to take certain actions that are applicable for the site. Their actions are summarised in Figure 10, and described in detail in Tables 18 to 20.

**FIGURE 10:** Summary of actions for officers

| KEY TASK | ACTIONS |
|---|---|
| **Before construction starts** | |
| **1. Understand health and safety requirements** | ○ Stay well-informed about health and safety requirements.<br>○ Understand the business operations and associated hazards and risks. |
| **2. Provide resources and processes** | ○ Provide adequate resources and processes to manage health and safety risks and meet duties.<br>○ Include health and safety in planning, procurement, and contracting decisions. |

**TABLE 18:** Actions for officers before construction starts

| KEY TASK | ACTIONS |
|---|---|
| **During construction** | |
| **Monitor health and safety systems and compliance** | ○ Monitor health and safety systems to make sure they are working.<br>○ Check that:<br>– incidents and non-compliance are managed properly and in a timely way<br>– control measures remain in place and effective. |

**TABLE 19:** Actions for officers during construction

| KEY TASK | ACTIONS |
|---|---|
| **After construction** | |
| **Review and update** | ○ Review how well health and safety was managed during the project.<br>○ Record lessons learned, and update processes to improve future performance. |

**TABLE 20:** Actions for officers after construction

## PART C

# Illustrative examples

**IN THIS PART:**

**9.0** Examples

# 9.0 Examples

**IN THIS SECTION:**


**9.1** How to use the examples

**9.2** Client examples

**9.3** Principal contractor examples

**9.4** Contractor/subcontractor examples

**9.5** Worker example

**9.6** Other persons on site examples

**9.7** Homeowner/occupier examples

## 9.1 How to use the examples

9.1.1 The examples in this ACOP are fictional but based on real-life situations. They are intentionally presented as generic and simplified to illustrate good practices in roles and relationships, and how PCBUs could consult, cooperate and coordinate in different situations. They do not describe all actions required to meet legal duties, and do not replace the actions set out in each section of this ACOP.

## 9.2 Client examples

9.2.1 The examples below illustrate actions a client may take to complete their duties under section 34 of HSWA to consult, cooperate and coordinate activities with other PCBUs who have the same health and safety duty.

**Example 1:**
**Cooperating with other PCBUs during renovations to a rental property**

Matiu owns a house in Hamilton, but he is working in Wellington on 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.

To avoid confusion, Matiu agrees with Isla that she will engage and coordinate all contractors/subcontractors needed. While Matiu can recommend tradespersons who have worked for him before, Isla will make the final decision on who will do the work.

A property management company, Karaka Property Services, already looks after the tenancy for Maitu.

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 can meet their health and safety responsibilities.

The three of them meet and agree that Isla and Karaka Property Services will work together closely 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 act on behalf of Matiu. They will:

- keep the tenant informed about what is happening and what the tenant needs to do
- tell the tenant about 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 any health and safety issues.

**Example 2:**
**Cooperating with other PCBUs on vehicle access and parking during a new build**

Sam from Moanavale Builders has been engaged by Wiremu to construct a new house on a residential street. Wiremu is a 'person conducting a business or undertaking' (PCBU) while the house is being built for him.

Wiremu understands the build will involve frequent vehicle movements and supports early planning to reduce risks to neighbours and road users.

Sam, the builder, walks the site and notices children walking past on their way to school, and cyclists using the road. He rings 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.

Next, Sam gathers his contractors together. With no formed driveway yet, they consider 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 and his contractors identify:

- the potential risks from vehicles accessing the site and parking, and which of these are critical risks
- who has the duty to manage the risks.

Sam is tasked with finding out what control measures could be put in place.

Sam talks to the Council and agrees that a temporary traffic management plan is required. He then rings a local traffic management services company to get them to come over and give advice. With this information, Sam and his contractors agree what the control measures, processes and procedures will be, and who will put these in place.

Sam talks to Wiremu about the parking and delivery agreements. They also discuss how Wiremu can safely visit the site. They agree that Wiremu will ring Sam at least 24 hours beforehand 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 the people working on site about the agreed parking and delivery arrangements. Sam makes it clear that these arrangements are to be followed, and that any issues should be raised 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 lets him know when there are any changes to the requirements for visiting the site. Wiremu supports the decisions that prioritise safety for workers and others.

**Example 3:**
**Cooperating with other PCBUs on renovations 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's role includes engaging and coordinating all other tradespersons.

Mike brings in skilled tradespeople and sets up the health and safety systems on site, involving Luca and the other workers from the start.

Mike checks regularly that everything is being managed safely, and he 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. Mike also gives Luca clear health and safety instructions (like when to stay out of the work area, and what equipment is not to be touched).

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

## 9.3 Principal contractor examples

9.3.1 The examples below illustrate actions that a principal contractor may take to complete their duties under section 34 of HSWA to consult, cooperate and coordinate activities with other PCBUs who have the same health and safety duty.

**Example 4:**
**Cooperating with other PCBUs to sequence work and reassess as needed**

A couple (Ellie and Tane) have engaged a local building company to build their three-bedroom home on a newly subdivided section. Construction has progressed to the point where the structure is complete, and plumbing, electrical, and heating systems need to be installed within the framing.

Before this stage begins, the principal contractor (Miles) discusses hazards and risks with the plumber (Alex), electrician (Zoe), and heat pump installer (Kora), and uses this information to complete a site safety plan. Because all contractors are small PCBUs, the plan focuses on critical risks.

Miles discusses with Alex, Zoe and Kora:

- risks arising from their work
- which risks are critical risks
- how their work may affect others
- the control measures they will implement.

He sequences the work so each trade can complete their tasks without unnecessary overlap. Work begins as planned with Miles monitoring the site to ensure work is carried out in line with agreed sequencing and control measures. Contractors follow site rules and communicate regularly.

Part way through the build, a delivery delay prevents Alex completing the plumbing rough-in as scheduled. Zoe is due to start the next day. Miles consults both contractors, and they identify new risks from overlapping work, including congestion and working around incomplete services.

Miles pauses Zoe's start until risks are reassessed. They agree that Zoe can begin limited work in a separate area with additional control measures in place. Miles updates the site safety plan and communicates the changes to all PCBUs.

**Example 5:**
**Cooperating with other PCBUs to manage the risk from overhead powerlines**

Dylan, 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 powerlines, he contacts the local electricity lines authority. The authority confirms the minimum approach distances (how close to power lines work can occur) and that a consent from the authority would be required for any work that needs to take place closer to the power lines.

Using this advice, Dylan talks to other tradespersons who will be working on site, and they agree on the site access and delivery procedures.

Dylan 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. Dylan and the other PCBUs share the information with their suppliers so drivers and operators are aware of the risks, site access and delivery procedures before they arrive on site.

For each delivery, the trade is either on site to receive their own consignment or arranges for a person in charge on site to receive it on their behalf. For each delivery, the person receiving it checks the control measures are in place and ensures that drivers and machinery operators follow the marked route and delivery procedures. The tradespersons coordinate with Dylan if anything changes.

**Example 6:**
**Cooperating with other PCBUs – site planning meeting**

Mere, the site manager for Wētā Builders (principal contractor), 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 information that was 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.

A person from each business explains:

- whether they are classed as a small or large PCBU under HSWA
- what their work will involve (including what plant, equipment, and substances they will bring on site, whether any shared plant will be needed, like scaffolding)
- what the potential risks from their work activities are, and which of these are critical risks.

This helps everyone understand how their work overlaps.

Together the PCBUs determine who has the duty to manage each risk. Where multiple PCBUs have the same duty, they work out the levels of influence and control they have, agree on practical ways to manage the risks, and confirm who is responsible for what. They make sure coordination is clear from the start.

The PCBUs also confirm how they will manage shared facilities like toilets, 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 success.

**Example 7:**
**Lessons learned – getting better at consulting, cooperating and coordinating with other PCBUs**

With the residential build now completed and handed over to the client, Kiri (from the principal contractor) takes the lead on a post-build review. With the other PBCUs involved in the build, she wants to look back over the project and understand how well they consulted, coordinated, and cooperated with each other when they had the same health and safety duty. Her goal is simple: capture what went well and identify any recurring issues so future builds run even more smoothly.

Kiri gathers feedback from the other PCBUs on topics such as how clear the communication was, whether site control measures were practical, whether it was clear who was responsible for what, and 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 for upcoming projects.

Once the findings are pulled together, Kiri shares them with all the PCBUs involved, encouraging each PCBU to reflect on what applies to their own systems, and how they can lift their planning and on site behaviours.

From there, the principal contractor updates internal templates and site management processes, using the review to improve how they plan, coordinate, and manage risk on new residential builds.

## 9.4 Contractor/subcontractor examples

9.4.1 The examples below illustrate actions that a contractor/subcontractor may take to complete their duties under section 34 of HSWA to consult, cooperate and coordinate activities with other PCBUs who have the same health and safety duty.

**Example 8:**
**Cooperating with other PCBUs to manage critical risks from working at height**

Wētā Builders Limited is building four two-storey townhouses. Hine from Wētā 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. Wētā keeps in close contact with the tradespersons on site and Tasman Edge Scaffolding to make sure the scaffolding remains 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.

Adam contacts Hine at Wētā, 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.

Adam also identifies that the risk from falling objects had not been addressed. He talks with Hine about how to manage this risk, and they decide to set up exclusion zones below the scaffold to protect others from falling tools and materials.

After the scaffolding adjustments are completed and checked, and the exclusion zones set up, Roofing Services begins work.

Wētā 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 9:**
**Cooperating with other PCBUs for excavations and dealing with weather impacts**

When Manu, the principal contractor, takes on a new residential build on a steep hillside, he knows the resource consent conditions are tight because of how close the neighbouring homes sit above the site. He engages Rangi, an experienced earthworks contractor, making sure Rangi has the skills and gear needed for the job. Before any work starts, Manu sits down with him to run through the resource consent conditions and geotechnical requirements to confirm the height and profile of the cut slope adjacent to the property boundary.

Before excavation, Manu, Rangi and Sarah (the Geotechnical Engineer), complete a full prestart walkover. They talk through the hazards, the excavation method, and the tight site access, and they agree on exactly where to set up monitoring points. With everyone on the same page, Rangi begins the excavation, following the planned staging, and checking in with Sarah at predetermined points to confirm the cut is progressing as expected.

Halfway through the job, heavy rain rolls in over the weekend, soaking the partly excavated slope. Rangi is not comfortable starting up again without re-checking the site's stability. First thing on Monday morning, he rings Sarah, who agrees to swing by before work resumes. She inspects the area, checks all the exposed soil faces, and confirms that there is no need to make changes to the method or do extra monitoring. As a courtesy, and with approval from Manu, Sarah also meets with the neighbour to check they have no concerns with the works. Manu is updated straight away, so planning can continue smoothly.

With the green light from Sarah, Rangi is comfortable to carry on the excavation while Manu keeps an eye on safety, site access and compliance. The crew works steadily through to completion, and Sarah signs 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 wraps up safely and is fully compliant with the resource consent conditions.

**Example 10:**
**Cooperating with other PCBUs for flooring installation – carrying out ongoing risk management**

Hemi, the lead builder on a site, calls Stuart, who is due to lay new laminate flooring the next day. Hemi and Stuart spoke before the construction started, and 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 Stuart is aware of the safest route to enter the site and where to park. Hemi sends through 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, Stuart will be able to focus on his own tasks.

Later in the week, Stuart returns and finds painters and electricians working nearby. Stuart contacts Hemi, who 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. Hemi re-establishes Stuart's work zone, and makes sure other trades keep clear of completed flooring and avoid walking through his space.

**Example 11:**
**Cooperating with other PCBUs for tiling installation – responding to an 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. With control measures in place, the other trades working in adjoining spaces are not exposed solvent fumes.

However, the wind unexpectedly picks up, whistling through the open doors and windows, blowing the fumes from the bathrooms to nearby areas. 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. The principal contractor 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 further cross-contamination. Both trades then safely return to their work.

## 9.5 Worker example

9.5.1 The example below illustrates actions that a worker may take to complete their duties under section 45(d) of HSWA (to cooperate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers).

**Example 12:**
**Worker following worksite procedures**

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 principal contractor 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, John knows the site rules about visitors. 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 that she can call him. Simone does this, calls Lui, and waits outside the site as instructed.

When Lui arrives, he greets Simone and walks her through the key hazards/risks 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.

## 9.6 Other persons on site examples

9.6.1 The examples below illustrate actions that an 'other person at the workplace' may take to complete their duties under section 46 of HSWA.

**Example 13:**
**Homeowner getting a kitchen replacement done**

Anika owns her house and lives there full-time. She is getting her kitchen updated by a renovation company that will manage the entire construction project. This includes organising and coordinating with other tradespersons as required.

After being advised by Jared from the renovation company, Anika 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 does not put the workers at risk, and follow any reasonable instructions they give her.

In practice, this means Anika tells Jared 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.

Because they keep things simple and follow the safety plan, the renovation runs smoothly, and everyone stays safe.

**Example 14:**
**Homeowner getting renovations done that are 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, to manage the work.

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 Michael's herb business, his PCBU duties do not apply here. Instead, he is treated as an 'other 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 Arlo's instructions about which areas to avoid.

## 9.7 Homeowner/occupier examples

9.7.1 See Appendix 2 to confirm HSWA roles and which examples apply.

# Appendices

## IN THIS SECTION:

**Appendix 1:** Glossary

**Appendix 2:** Flowcharts to confirm the health and safety roles of residential homeowners/occupiers

## Appendix 1: Glossary

| TERM | EXPLANATION |
|---|---|
| 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. |
| Business or undertaking | The usual meanings are:<br>– business: an activity usually carried out with the intention of making a profit or gain<br>– undertaking: an activity that is non-commercial in nature (for example, certain activities of a local authority or a not-for-profit group).<br>The term business is used throughout this ACOP to refer to a PCBU.<br>A business may be a company, a sole trader or a partnership, and refers to the building professional hired to do construction work. |
| Client | The party (person or organisation) commissioning the work. |
| Construction site/site | The area or piece of land on which construction works are being carried out.<br>The term is used throughout this ACOP to refer to the workplace as defined in the Act. |
| Contracting PCBU | A PCBU who engages another PCBU to do work for them (other than as an employee, apprentice, trainee or volunteer). |
| Contractor | For the purposes of this document, a contractor is a PCBU who has been engaged to do work by another PCBU (other than as an employee, apprentice, trainee or volunteer).<br>Contractors and their employees are classed as workers of the contracting PCBU/ principal. |
| Control measure | A way of eliminating or minimising risks to health and safety. |
| Critical risk | Critical risk means a risk associated with:<br>– a hazard described in Schedule 1A (HSWA), or<br>– a hazard of any kind that is likely to result in any one or more of the following:<br>- a death<br>- a notifiable injury or illness<br>- a notifiable incident<br>- an occupational disease listed in Schedule 2 of the Accident Compensation Act 2001.<br>**Note**: This includes harm to mental health that is associated with the hazard.<br>A risk associated with a hazard referred to in Schedule 1A is a critical risk whether it is considered in relation to compliance with:<br>– a regulation set out in Schedule 1A (HSWA), or<br>– a duty under part 2 of the Act (HSWA). |
| Duty | A legal obligation. |
| Duty holder | A person who has a duty under HSWA. There are four types of duty holders.<br>– PCBUs<br>– Officers<br>– Workers<br>– Other persons at a workplace |
| Eliminate | To remove the sources of harm (for example, equipment, substances, or work processes). |
| 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 health and safety arrangements. |
| GRWM Regulations | The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016. |
| Hazard | Anything that can cause harm. Under HSWA, a hazard 'includes 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 | EXPLANATION |
|---|---|
| **Health and Safety at Work Act** (HSWA) | The key work health and safety legislation in New Zealand. HSWA applies to all work and workplaces unless specifically excluded.<br>You can find the full text of the Act on the New Zealand Legislation website. |
| **Large PCBU** | A large PCBU has 20 or more workers. |
| **Must** | A mandatory legal requirement under HSWA or regulations. |
| **Notifiable event** | WorkSafe must be notified when any of the following occurs as a result of work.<br>– A death<br>– A notifiable illness or injury<br>– A notifiable incident<br>See WorkSafe guidance on what a notifiable event is. |
| **Officer** | A person who has the ability to significantly influence the management of a PCBU.<br>This includes, for example, company directors and chief executives. Officers must exercise due diligence to ensure the PCBU meets its health and safety duties. |
| **Other persons at the workplace** | Includes workplace visitors and casual volunteers (who are not volunteer workers).<br>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. |
| **PCBU** (person conducting a business or undertaking) | A PCBU means a person conducting a business or undertaking.<br>It's a broad concept used throughout HSWA to describe all types of modern working arrangements. In this ACOP, the term 'business' is also used to refer to a PCBU.<br>Most New Zealand businesses, whether large corporates, sole traders, or self-employed, are classed as PCBUs.<br>A PCBU does not include workers or officers of a PCBU, volunteer associations with no employees, or home occupiers who employ or engage a tradesperson to carry out residential work. |
| **Personal protective equipment** (PPE) | 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:<br>– respiratory protective equipment<br>– protective helmets<br>– protective eyewear<br>– protective boots<br>– protective gloves<br>– hearing protection<br>– high-vis clothing<br>– sunhats<br>– sunscreen and lip protection<br>– safety harness systems. |
| **Plant** | Any machinery, equipment, appliance, container, implement, or tool (including anything fitted, connected or related to it) used in residential construction. |
| **Project** | Used in this ACOP to refer to a residential construction project. This includes new builds or renovations done on existing buildings. |
| **Reasonably practicable** | What is or was reasonably able to be done to ensure health and safety taking into account and weighing up relevant matters including:<br>– the likelihood of the risk concerned occurring or workers being exposed to the hazard<br>– the degree of harm that might result<br>– what the person concerned knows, or ought reasonably to know, about:<br>- the hazard or risk<br>- ways of eliminating or minimising the risk<br>– the availability and suitability of ways to eliminate or minimise the risk<br>– 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.<br>Control measures can only not be implemented where cost is grossly disproportionate. |

| TERM | EXPLANATION |
|---|---|
| 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 construction, alteration, or renovation of buildings used predominantly for permanent human habitation. This encompasses single detached dwellings, multi-unit townhouses, and small-to-medium apartment buildings. |
| 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 requires them to meet. |
| Schedule 1A (HSWA) | Schedule 1A (HSWA) 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 health and safety arrangements | The arrangements in place for health and safety planning and management, designed for each construction site and project circumstances. A structured approach to managing health and safety risks, ensuring compliance with regulations, learning about and communicating risks in an accessible way, and promoting a culture of healthy and safe working. There are a range of options available to organise and communicate your health and safety arrangements, including paper and digital systems. |
| Small PCBU | A small PCBU has fewer than 20 workers for at least 9 out of 12 months, allowing for seasonal or other changes in worker numbers. |
| Sole trader | An individual who owns and operates a business alone, taking full control of all decisions and operations. |
| Subcontractor | A PCBU hired by a contractor to work or provide services on their behalf. |
| 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 | PCBUs who design, manufacture, import or supply plant, substances or structures, or who install, construct or commission plant or structures.<br>'Design' includes the:<br>– design of part of the plant, substance, or structure, and<br>– redesign or modification of a design. |
| Worker | An individual who carries out work in any capacity for a PCBU, including work as:<br>– an employee<br>– a contractor or subcontractor<br>– an employee of a contractor or subcontractor<br>– an employee of a labour hire company who has been assigned to work in the business or undertaking<br>– an outworker (including a homeworker)<br>– an apprentice or a trainee<br>– a person gaining work experience or undertaking a work trial<br>– a volunteer worker<br>– a person defined as a worker in regulations under HSWA.<br>Workers can be at any level (for example, managers are workers too).<br>A PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking. |
| Workplace | 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.<br>Most duties under HSWA relate to the conduct of work. However, some duties are linked to workplaces. |

## Appendix 2: Flowcharts to confirm the health and safety roles of residential landowners and homeowners/occupiers

### Who is this appendix for?

This appendix describes how to work out the roles and responsibilities on a residential construction site in specific circumstances. This applies to residential construction when:

- a residential landowner has employed or engaged someone to build their house, or is building a house themselves
- a residential homeowner is renovating their existing home or engaging a business to do this work, while they are not living there
- a home occupier is renovating or engaging a business to do this work.

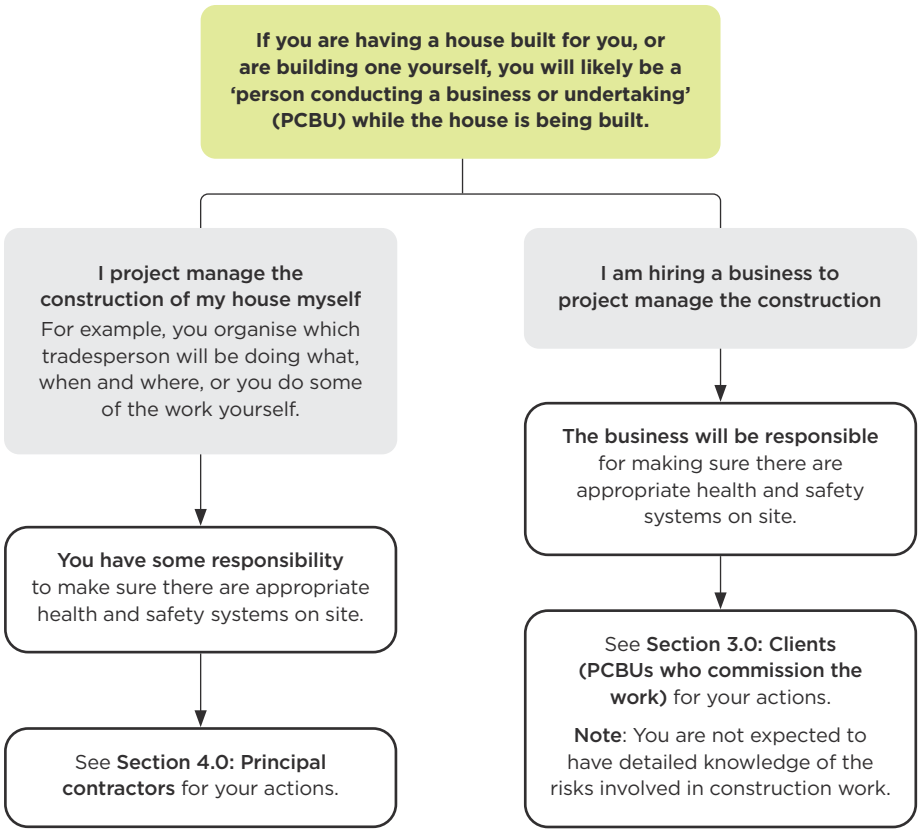
In these circumstances, the person's duties depend on the type of construction project and their role in it.

This appendix explains what those duties are and when they apply.

### Residential landowners building a new house for themselves to live in

If you are having a house built for you, or are building one yourself, you will likely be a 'person conducting a business or undertaking' (PCBU) while the house is being built. This applies until the build is completed and you have moved in.

But the actions you need to take to meet your duties will depend on whether you hire a business to manage the construction or manage it yourself. Use the flowchart below to work out what actions to take.



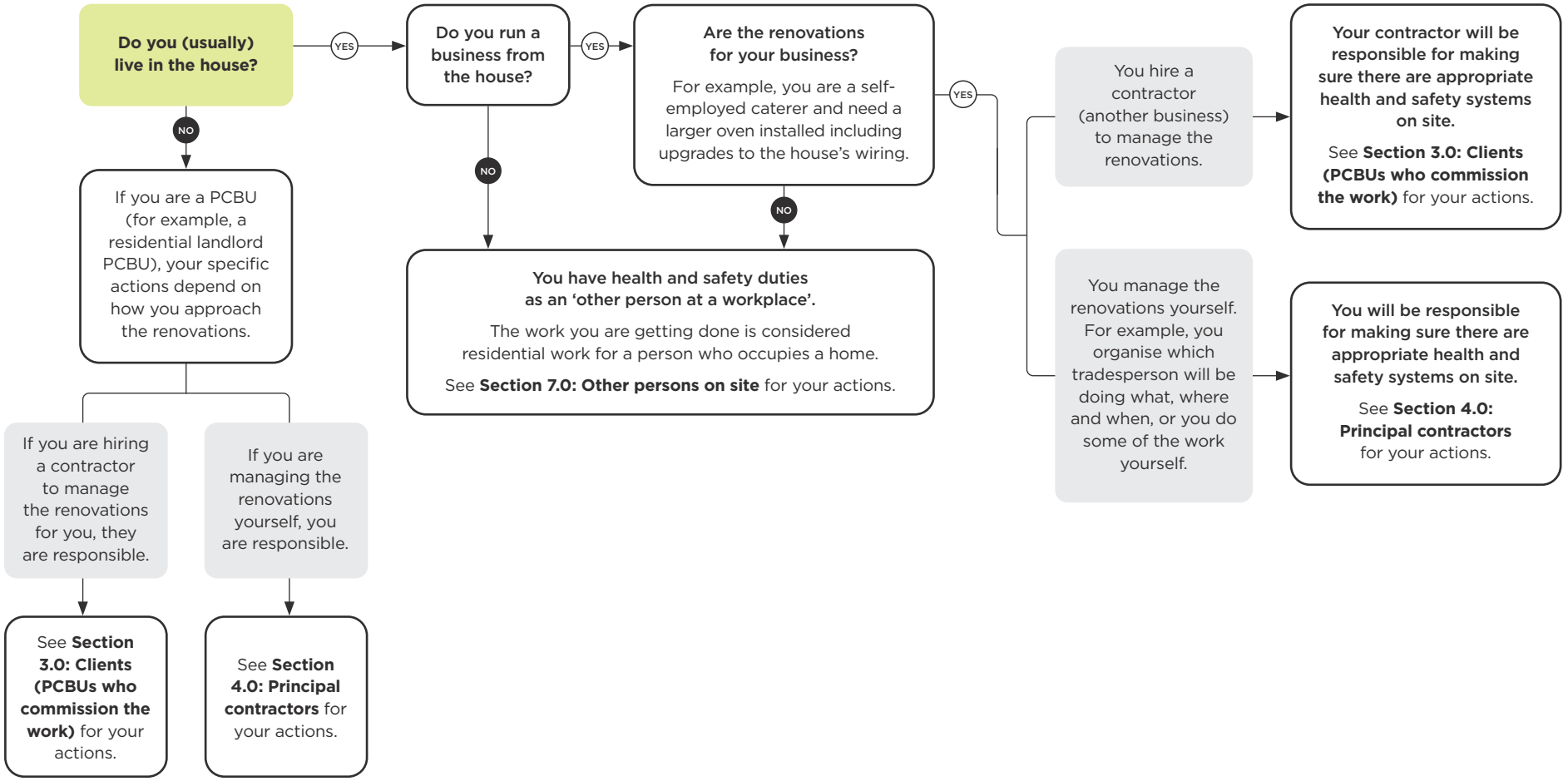
## Homeowners/occupiers renovating an existing house

If you are renovating 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.

Use the following flowchart to work out your duties when doing renovations and the actions to take to meet them.

## Flowchart to determine duties for building renovations



Notes

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