

Health and Safety at Work Act 2015

Duty Holder	Who (Examples)	What	How to Meet the Duty
PCBU <i>Person Conducting a Business or Undertaking</i>	<ul style="list-style-type: none"> Companies Schools Government Department Non-for-profit organisation that employs staff 'Upstream' PCBUs (architects, engineers etc) 	<p>PCBUs have the primary duty of care and are responsible, so far as is <i>reasonably practicable</i>, for:</p> <ul style="list-style-type: none"> The health and safety of its workers or those workers who are influenced or directed by the PCBU (for example workers and contractors); and Ensuring that the health and safety of other people is not put at risk from work carried out as part of the conduct of the business or undertaking (for example visitors and customers). 	<p>PCBUs have duties to workers affected by their work, not just to those they directly employ or engage. It is possible for PCBUs to have overlapping duties.</p> <p>Upstream PCBUs have a duty to ensure, so far as reasonably practicable, that the work they do or the things they provide to the workplace do not create health and safety risks.</p>
Officers	<ul style="list-style-type: none"> Directors within a company Partners within a partnership Trustees <p>But no liability for:</p> <ul style="list-style-type: none"> Volunteers Community/Elected Board Members (Local Electoral Act 2001) School Boards of Trustees 	<p>The officers' duty is not the same as the PCBU's duty.</p> <p>Officers do not have to ensure the health and safety of the PCBU's workers. Rather, the officer must exercise due diligence to ensure that the PCBU is meeting its health and safety obligations.</p> <p>The due diligence duty complements and supports the primary duty of care of the PCBU – it does not replace it.</p>	<p>Officers must:</p> <ul style="list-style-type: none"> Know about work health and safety matters and keep up-to-date; Gain an understanding of the operations of the organisation and the hazards and risks generally associated with those operations; Ensure the PCBU has appropriate resources and processes to eliminate or minimise those risks; Ensure the PCBU has appropriate processes for receiving information about incidents, hazards and risks, and for responding to that information; Ensure there are processes for complying with any duty, and that these are implemented; and Verify that these resources and processes are in place and being used.
Workers	<ul style="list-style-type: none"> Employees Volunteers Contractors Labour hire workers People gaining work experience 	<p>Worker duties emphasise the idea that health and safety at work is the responsibility of everyone who 'works' as part of the business or undertaking.</p>	<p>Workers must:</p> <ul style="list-style-type: none"> Take reasonable care for their own health and safety; Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; Comply so far as reasonably able, with any reasonable instructions that is given to them by the PCBU to allow the PCBU to comply with the law; and Cooperate with any reasonable policy or procedure of the PCBU relating to the workplace that has been notified to workers.
Others	<ul style="list-style-type: none"> Customers Clients 	<p>The duties on others entering or using a workplace emphasise the idea that health and safety at work is the responsibility of everyone who utilises the business or undertaking.</p>	<p>Others entering the workplace must:</p> <ul style="list-style-type: none"> Take reasonable care for their own health and safety; Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; and Comply so far as reasonably able, with any reasonable instructions that is given to them by the PCBU to allow the PCBU to comply with the law.