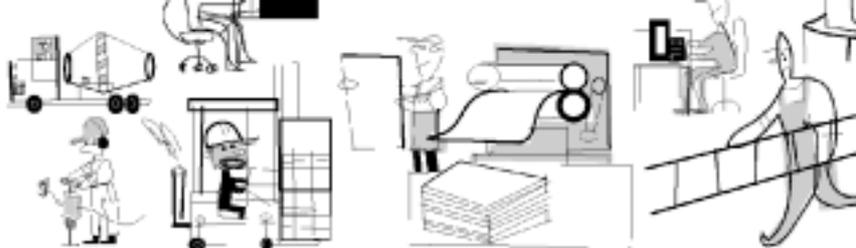




# fact sheet



20 Dec 2002

## Contractors

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### Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

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### Health and safety when you are a contractor

A **contractor** under the Act is a person engaged by any other person (otherwise than as an employee) to do any work for gain or reward.

The 'gain or reward' does not need to be monetary; it can be payment in kind or an exchange of services. Nor does the contract have to be in writing.

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### FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to contractors:

#### **Q: What are my duties as a contractor?**

**A:** If you are a contractor, you will have responsibilities as one or more of the following:

- A self-employed person;
- An employer, if you employ others to do work for you;
- A principal, if you engage sub-contractors to do work for you.

For more information, refer to **Factsheet - Self-employed People** and **Factsheet - Principals**.

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#### **Q: Should I discuss health and safety issues with the person I'm working for?**

**A:** Yes. Contractors should plan work activities and inform the person who hires them of:

- Any hazards that arise from the work they are doing;
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## Contractors, continued

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- Safety procedures for other people who may be affected by that work, including the public;
- Safety equipment that may be necessary.

Contractors should also ensure they have received all relevant health and safety information from the person they are working for, such as:

- Hazards that exist in the place where they are working;
  - Company rules about health and safety;
  - Emergency procedures and first aid facilities;
  - Procedures for reporting any new hazards that may be identified.
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### **Q: I work in other people's homes. What are my responsibilities and what are those of the homeowner?**

**A:** Contractors who work in a home have the same responsibilities under the Act as any other contractor. You must ensure that work practices are safe and do not harm any other person, such as the homeowner.

The homeowner, on the other hand, does not have any responsibilities to ensure the safety of contractors doing residential work on or in their home.

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### **Q: What should I do if I get hurt, or someone else gets hurt, when I'm working?**

**A:** If you have an accident and it harms you, or if your work injures any other person, you must keep a record of it. You will also need to quickly tell OSH about any serious harm that occurs.

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### **Further information**

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call Workinfo on 0800 20 90 20, or visit their website at: [www.workinfo.govt.nz](http://www.workinfo.govt.nz)

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