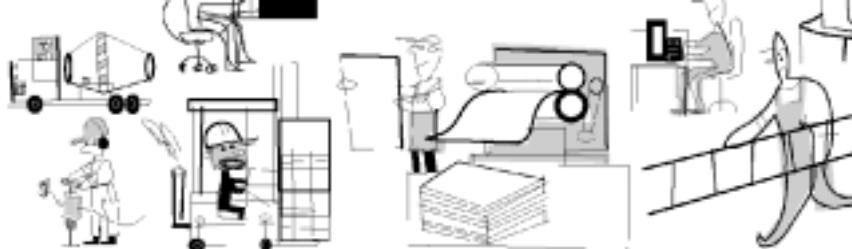




fact sheet



20 Dec 2002

People Who Control a Place of Work

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.

People who control a place of work

A person is considered to control a place of work under the Act if they:

- Own, lease, sub-lease, occupy, or possess a place of work or part of it; and/or
- Own, lease, sub-lease, or possess any plant or equipment in a place of work.

The type of workers covered by this definition is broad. Examples of people who control a place of work include dairy owners, lawnmower contractors who trim the roadside, and self-employed people who work in a rented office.

FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to people who control a place of work:

Q: Who is considered under the Act to control a place of work?

A: Any person who owns, leases, occupies or possesses a place of work, or part of it, is considered to control a place of work. Any person who owns, leases or possesses any plant in a place of work is also considered to control a place of work.

The term 'control' is used in the Act to describe these groups of people; its application does not require active or actual 'control'.

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People Who Control a Place of Work, continued

Q: I fit the description of a person who controls a place of work, but I'm also a self-employed person. Can I choose the obligations I have to comply with?

A: It is possible under the Act to be a person who controls a place of work *and* a principal, a self-employed person, or an employer. If this is the case, you must comply with the obligations that the Act sets out for people who control places of work AND for self-employed people. You cannot choose to comply with the duties and responsibilities of only one or the other. The obligations for both groups will, however, often be the same: to take all reasonably practicable steps to keep the workplace safe.

Q: Can there be more than one person who controls a place of work?

A: Yes. For example, on a construction site the owner of the building, the construction company, and the contractors who work for the construction company may all be people who control that place of work.

The fact that a number of people have the same duties under the Act does not lessen each person's obligation to comply fully with those duties. The duties of each person will vary, however, depending on how much effective control each of them exercises over the workplace.

Q: What are the obligations of a person who controls a place of work?

A: The Act places different duties on those who control places of work depending on the different people who are in or around the workplace. Below are a few examples:

- 1) A person who controls a place of work must take all practicable steps to ensure that no hazard harms people in the vicinity. For example, a lawn-mowing contractor must ensure that stones flying out from under the lawnmower do not injure others working nearby or members of the public.
 - 2) A person who controls a place of work has duties in relation to customers, or people who pay to be in a workplace. For example, a dairy owner must ensure that people who enter the dairy to buy goods are not harmed.
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People Who Control a Place of Work, continued

- 3) A person who controls a place of work has duties to authorised visitors to the workplace and certain statutory officers. These duties include warning the visitors about significant and unusual hazards that result from work being done in the place. For example, if an employer authorises her employees' friends to join the office for a social occasion, and construction work is being carried out in part of the office, then the employer must warn the visitors of the hazards that poses.
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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
