

New Zealand's new health and safety (H&S) law

The main changes

1 Responsibility and liability spread more widely

Act	Who has a H&S duty	Who they have the duty towards
Current legislation (Health & Safety in Employment Act 1992)	People in defined roles (e.g. employers, supervisors)	Other people in defined roles (e.g. employees)
New legislation (Health & Safety at Work Act 2015)	Everyone involved in the business (in the widest sense) – see below	Other people involved in the business

What does **'everyone involved in the business'** mean?

- The business itself through a new legal concept, the Person Conducting a Business or Undertaking (PCBU). A PCBU will usually be a business, not a person. The PCBU and its managers have the primary duty to ensure employees, and others affected by its work, can work in a safe and healthy environment. These 'others' may include contractors or people working for firms in the PCBU's supply chain (e.g. suppliers, transport operators, customers).
- Officers (e.g. company directors, managers)
- Workers
- Other people who come to the workplace (e.g. visitors and customers).

2 Clearly defined standards of care for all parties

The new Act clearly defines the standards of care expected of everyone involved in the business.

Party	Standard of care
PCBU	Duty of a care (highest standard) (e.g. robust safety management systems: actively identifying and managing hazards, training employees, etc)
Officers	Duty of due diligence (e.g. ensure a high level of protection in place for employees)
Workers	Reasonable care (e.g. follow instructions while on site)
Others (e.g. visitors, customers)	Reasonable care (e.g. follow instructions while on site)

3 Expanded, clearly defined H&S activities for businesses

Act	H&S activities
Current legislation	Businesses must monitor and record incidents
New legislation	PCBUs must actively identify and manage risk (e.g. by identifying and managing hazards, holding regular H&S audits)

4 Actively involving workers

PCBUs must actively involve workers in H&S matters (e.g. through training sessions, by giving them a voice as H&S representatives).

5 Stronger consequences for H&S breaches

The new Act significantly increases the financial and personal consequences of H&S breaches (e.g. higher penalties, greater powers for the Employment Court).

So, what do I need to do to get ready for the new legislation?

WorkSafe New Zealand recommend that you:

1. Identify H&S hazards and risks, and take steps to prevent these from happening
2. Make sure your H&S policies are led by management, understood by all staff, and reviewed regularly
3. Hold regular H&S training sessions
4. Engage your team in H&S matters that affect them
5. Support all officers (e.g. directors) to get up to date with H&S issues and key risks
6. Report and monitor H&S goals
7. Review any incidents regularly
8. Carry out frequent H&S audits and inspections

More information

[WorkSafe New Zealand advice](#)

