

Health and Safety at Work Act 2015 terms and definitions

We prefer to use clear language when talking to you about workplace health and safety.

Throughout this website we've included concepts, terms and acronyms that can be found in the Health and Safety at Work Act (HSWA) 2015. Some of these may not be familiar to everyone so here's a breakdown of what they mean.

The information presented in this document is intended to simplify compliance with the Health and Safety at Work Act 2015 (the Act) and associated regulations. It should not be viewed as a definitive guide to the law and ideally should be read in conjunction with the Act.

TERM	DEFINITION
CAA HSU	<p>The Civil Aviation Authority was designated to administer the provisions of the Health & Safety at Work Act 2105 (HSWA) in respect of the aviation sector, specifically for aircraft while in operation.</p> <p>The Health & Safety Unit of the CAA was been established to fulfill that function.</p>
Control measures	Actions of eliminating or minimising risks to health and safety.
Due diligence	<p>Under HSWA, the term due diligence is broadly the same concept that officers will already know in a wider business sense, and is the care that a reasonable person exercises to avoid harm to other persons or their property.</p> <p>An officer must make sure that the organisation has appropriate systems of work. They must also actively monitor and evaluate how health and safety is managed within the organisation.</p> <p>What is reasonable depends on the particular circumstances, including the officer's role and how much influence they can exercise.</p>
Duty	A moral or legal obligation; a responsibility.
Duty holder	<p>A duty holder is a person who has a duty under HSWA. Duty holders may 'wear' multiple hats under HSWA and/or multiple people may 'wear' the same hat.</p> <p>There are four duty holders:</p> <ol style="list-style-type: none"> 1. PCBUs 2. officers

	<p>3. workers, and other persons at workplaces.</p>
Hazard	<p>Anything that can cause harm.</p> <p>4. A person’s behaviour can also be a hazard 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).</p>
Health and Safety at Work Act (HSWA) 2015	<p>The Health and Safety at Work Act (HSWA) 2015 is the work health and safety law in New Zealand. HSWA came into effect on 4 April 2016.</p>
Health and Safety Committee (HSC)	<p>A Health and Safety Committee (HSC) supports the ongoing improvement of health and safety across the whole workforce. The HSC enables business representatives, worker representatives and others on the HSC to meet regularly and work cooperatively to improve workers’ health and safety.</p> <p>One of the main functions of an HSC is to assist in developing standards, rules, and policies or procedures to improve workplace health and safety outcomes.</p>
Health and Safety Representative (HSR)	<p>A Health and Safety Representative (HSR) is a trained worker who has been elected by the members of their work group to represent them in health and safety matters.</p> <p>The work group can be the whole workplace or it can be workers grouped by work areas, occupations, work sites or other arrangements. How work groups are organised will depend on what is effective for the business and the workers, given the structure of the business or undertaking.</p>
Health monitoring	<p>Health monitoring means monitoring a person to identify any changes in his or her health status because of exposure to certain health hazards arising from the conduct of the business or undertaking.</p> <p>PCBU’s have a primary duty to monitor worker health as far as is reasonably practicable if exposure to a particular health risk warrants it.</p> <p>The results from worker health monitoring are an important step in assessing whether the work controls in use are managing a risk effectively.</p>
High-risk sectors	<p>These are the sectors and industries that have the highest rate of fatalities and serious injuries, and the major hazard facilities that are the operations which have the potential for one-off catastrophic events, such as adventure activities.</p>
Notifiable event	<p>When someone dies or when a notifiable incident, illness or injury occurs, The regulator (CAA) must be informed of notifiable events by notifying via the CAA HSU notification APP, completing a notification form or calling 0508 4 SAFETY.</p>

	<p>The following sections of HSWA explain the meaning of notifiable incident, illness or injury:</p> <p>s23 Meaning of notifiable injury or illness s24 Meaning of notifiable incident s25 Meaning of notifiable event</p>
Officer	<p>A person who holds a very senior leadership position and has the ability to significantly influence the management of a business or undertaking. A business or undertaking can have more than one officer.</p> <p>Officers are:</p> <ul style="list-style-type: none"> • company directors (even if they do not have ‘director’ in the title) • any partner in a partnership (other than a limited partnership) • any person who holds a position comparable to a director in a body corporate or an unincorporated body • any person who exercises significant influence over the management of the business or undertaking (eg the Chief Executive). <p>Every officer has a duty – it is not a joint duty. Officers have a duty because they make policy and investment decisions that can affect workers’ health and safety.</p> <p>People in senior leadership positions have an important role in leading health and safety culture throughout a business or undertaking.</p>
Other persons at a workplace	<p>Includes workplace visitors and casual volunteers at workplaces.</p> <p>These people have their own health and safety duty to take reasonable care to keep themselves and others safe at a workplace.</p>
Overlapping duties	<p>This is when more than one person conducting a business or undertaking (PCBU) has health and safety duties in relation to the same matter.</p> <p>For example, there may be a number of different businesses working together or alongside each other on a single worksite, and through contracting or supply chains.</p> <p>Businesses with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other businesses so they can all meet their joint responsibilities.</p> <p>Businesses don't need to duplicate each other’s efforts.</p>
Person conducting a business or undertaking (PCBU)	<p>A PCBU is a ‘person conducting a business or undertaking’.</p> <p>While a PCBU may be an individual person or an organisation, in most cases the PCBU will be an organisation (for example, a business entity such as a company).</p>

	<p>An individual, such as a sole trader, can also be a PCBU.</p> <p>While the terms ‘business’ and ‘undertaking’ are not defined in HSWA, here’s what they usually mean:</p> <ul style="list-style-type: none"> • business is an activity carried out with the intention of making a profit or gain • undertaking is an activity that is non-commercial in nature. For example certain activities of a local authority. <p>Examples of PCBUs</p> <p>Individuals or organisations can be PCBUs if they carry out work, regardless of their legal structure. The following are examples of PCBUs:</p> <ul style="list-style-type: none"> • A business in the form of an incorporated company. • A sole trader or self-employed person. • A general partner in a partnership (if the partnership is a limited partnership). • A partner in a partnership (if the partnership is not a limited partnership). • An organisation created by legislation (eg government department, university, school or local authority). <p>Throughout this website, we also use the terms ‘business’ or ‘business or undertaking’ as well as ‘PCBU’.</p>
<p>Personal Protective Equipment (PPE)</p>	<p>Anything used or worn by a person to minimise risks to their health and safety.</p> <p>PPE also includes air-supplied respiratory equipment.</p>
<p>Plant</p>	<p>Includes machinery, vehicles, vessels, aircraft, equipment (including PPE), appliances, containers, implements and tools. Plant also includes any part of these, or anything fitted or connected to these.</p>
<p>Primary duty of care (HSWA)</p>	<p>A business or undertaking must ensure, so far as is reasonably practicable, the health and safety of its workers and that other people are not put at risk by its work. In the context of HSWA, this is called the ‘primary duty of care’.</p> <p>This means ensuring, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> • the health and safety of workers who work for the PCBU. This includes employees or contractors, including their sub-contractors or workers while they are at work in the business or undertaking • the health and safety of workers whose work activities are influenced or directed by the PCBU while the workers are carrying out the work.

	<ul style="list-style-type: none"> • that other persons are not put at risk by the work of the business or undertaking. For example, visitors to the workplace, or members of the public could be affected by a work activity. <p>A PCBU who is a self-employed person must also ensure, so far as it is reasonably practicable, his or her own safety while at work.</p>
<p>So far as is reasonably practicable</p>	<p>For the purposes of managing risk, so far as is reasonably practicable is a balance between what is possible (the highest level of protection) and what is achievable (reasonable in the circumstances).</p> <ul style="list-style-type: none"> • Duty holders need to consider what is reasonably able to be done in relation to ensuring the health and safety of workers and others, taking into account and weighing up all factors including: • the likelihood of the hazard or risk concerned occurring • the degree of harm that might result from the hazard or risk • what the duty holder knows, or should reasonably know, about the <ul style="list-style-type: none"> ○ hazard or risk, and ○ ways of eliminating or minimising that risk • the availability and suitability of ways to eliminate risk. <p>Only after assessing the extent of the risk, and the available ways of eliminating the risk, should the duty holder consider the cost. Consideration of cost should generally only take precedence over safety when it is grossly disproportionate to the risk.</p> <p>The duty holder should look to eliminate the risk and if this is not reasonably practicable should they look to minimise.</p>
<p>Regulator and Regulatory agency</p>	<p>Means CAA for aircraft in operation.</p>
<p>Risk</p>	<p>Risk can be described as the likelihood certain consequences (death, injury, or illness) may occur when a person is exposed to a hazard.</p> <p>Risks arise from people being exposed to a hazard (a source of harm).</p>
<p>Structure</p>	<p>Includes anything constructed and it can be:</p> <ul style="list-style-type: none"> • permanent • temporary • fixed or • movable. <p>A structure includes:</p> <ul style="list-style-type: none"> • buildings

	<ul style="list-style-type: none"> • bridges • masts • towers • frameworks • pipelines • quarries • bridges and • underground works including shafts and tunnels. <p>It also includes any component or part of a structure.</p>
Upstream PCBU	<p>The business or undertaking who designs, manufactures, imports or supplies plant, substances or structures, or who installs, constructs or commissions plant or structures.</p> <p>When we talk about ‘design’, we also mean:</p> <ul style="list-style-type: none"> • the design of part of the plant, substance, or structure; and <p>the redesign or modification of a design.</p>
Volunteer	<ul style="list-style-type: none"> • A person who is acting on a voluntary basis (whether or not the person receives out-of-pocket expenses).
Volunteer association	<p>A volunteer association is defined as a group of volunteers working together for one or more community purposes, where none of the volunteers employs anyone to carry out work for the volunteer association.</p> <p>Volunteers are not classed as a Person Conducting a Business or Undertaking (PCBU), therefore the Health and Safety at Work Act 2015 does not apply to them.</p>
Volunteer worker	<p>A volunteer worker is someone who carries out work in any capacity for a PCBU:</p> <ul style="list-style-type: none"> • with the knowledge or consent of the business; and • on an ongoing and regular basis; and • the work is an integral part of the business or undertaking; and • the work is not: <ul style="list-style-type: none"> ○ participating in fundraising ○ assisting with sports or recreation for an educational institute, sports club or recreation club

	<ul style="list-style-type: none"> ○ assisting with activities for an educational institution outside its premises ○ providing care for another person in the volunteer’s home eg, foster care. <p>For example, a person who regularly helps out at an animal rescue organisation by feeding, cleaning and generally tending to animals is a volunteer worker because they are doing the volunteer work on a regular basis and the work is integral to the business or undertaking.</p>
Worker	<p>An individual who carries out work in any capacity for a PCBU, including work as:</p> <ul style="list-style-type: none"> • an employee; or • a contractor or subcontractor; or • an employee of a contractor or subcontractor; or • an employee of a labour hire company who has been assigned to work in the business or undertaking; or • an outworker (including a homeworker); or • an apprentice or a trainee; or • a person gaining work experience or undertaking a work trial; or • a volunteer worker; or • a person of a prescribed class. <p>A PCBU is also a worker if the business or undertaking is an individual who carries out work in that business or undertaking.</p>
Workplace	<p>A place where work is being carried out, or is customarily carried out, for a business or undertaking. Includes any place where a worker goes, or is likely to be, while at work.</p> <p>A “place” can also include:</p> <ul style="list-style-type: none"> • a vehicle, vessel, aircraft, ship, or other mobile structure; and • any waters and any installation on land, on the bed of any waters, or floating on any waters.