

## Working with other businesses

When there are multiple businesses at the same location, each business must do what they can, within their influence and control, to keep workers safe. In these situations, the most effective way to manage workplace health and safety is by working together.

Because businesses have duties to all workers and others affected by their work - not just those they directly employ or engage - they may well have overlapping duties. Ensuring that businesses work together for the health and safety of everyone in the workplace is a fundamental part of HSWA's design.

In general terms, when we talk about businesses working together, we mean that all businesses must, so far as is reasonably practicable, consult, cooperate, and coordinate their activities with other businesses particularly when there are overlapping duties in relation to workplace health and safety. There are overlapping duties when more than one business has health and safety duties in relation to the same matter.



### Why businesses must consult with each other

Consultation between businesses can help you all reach a common understanding and establish clear roles, responsibilities and actions in relation to work health and safety.

By working together, you can avoid unnecessary duplication of effort, for example when providing welfare or first aid facilities. Working together can also help identify and prevent gaps when managing health and safety risks for workers.

Gaps can happen particularly when:

- there's a lack of understanding about how each businesses' work activities may add to the health and safety risks in the workplace as a whole, or a chain of work activities
- one business assumes the other business is taking care of a particular health and safety issue
- the business who manages the risk is not the business in the best position to do so
- businesses do not know what other work is happening and when.

The broader benefits of consultation include:

- helping to ensure working arrangements on shared worksites and in contracting chains run smoothly and efficiently, which in turn can lead to productivity gains
- businesses on a shared worksite or in a contracting chain working together to sort out problems – this will avoid the head contractor or landlord, for example, having to step in and sort out every problem on site or further down the contracting chain.

## What your business needs to do when working with other businesses

More than one business can have a duty in relation to the same matter (overlapping duties). This can occur when there are multiple businesses at the same location, for example:

- construction sites
- shopping centres and other multi-tenanted buildings, or
- contracting chains.

However, businesses do not need to share a workplace to have overlapping duties.

Businesses with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other businesses so that you can all meet your joint responsibilities. Businesses do not need to duplicate each other's efforts.

Your business cannot contract out of its duties, however you can enter reasonable relationships with other businesses to meet your duties. Note that your business still retains the responsibility to meet its own duties.

Businesses should also monitor each other to ensure everyone is doing what they agreed.

## Working out the extent of your duty

The extent of your duty to manage risk depends on the ability of your business to influence and control the matter. Where there are overlapping duties, the extent of each business's responsibility to carry out their duties will most likely be different. This will depend on what ability your business has to influence and control the health and safety matter (ie the more influence and control your business has over a health and safety matter, the more responsibility you are likely to have).

For example, a business can have influence and control over health and safety matters through:

- control over work activity: a business in control of the work activity may be in the best position to control the health and safety risks.
- control of the workplace: a business who has control over the workplace (and/or plant and structures at the workplace) will have some influence and control over health and safety matters arising from work carried out by another business.
- control over workers: a business will have more influence and control over its own workers and contractors than those of another business.

A business with a higher level of influence and control (and with the greatest share of the responsibilities) will usually be in the best position to manage the associated risks.

A business with less control or influence may fulfil their responsibilities by making arrangements with the business with the higher level of influence and control

*The information presented in this document is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the Health and Safety at Work Act 2015 and associated regulations (where relevant).*